the weekly Standard

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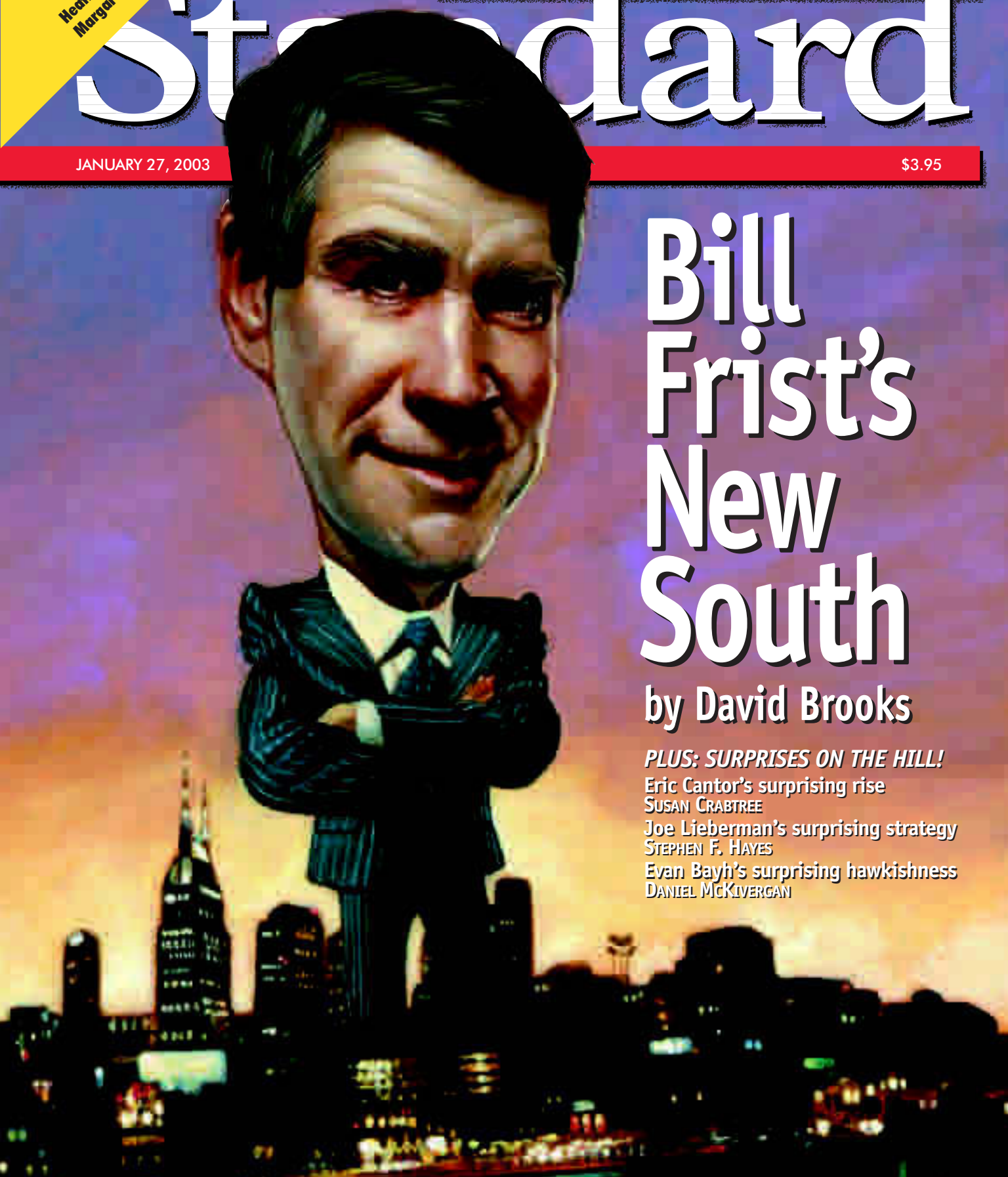

Bill Frist's New South

by David Brooks

PLUS: SURPRISES ON THE HILL!

Eric Cantor's surprising rise
Susan Crabtree

Joe Lieberman's surprising strategy
Stephen F. Hayes

Evan Bayh's surprising hawkishness
Daniel McKivergan

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As the *Washington Post* has editorialized, **"No portion of the American civil justice system is more of a mess than the world of class actions. None is in more desperate need of policymakers' attention."**

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U.S. CHAMBER INSTITUTE FOR LEGAL REFORM

Subspecialty Health Care in the United States: More Is Better!

Scott W. Atlas, M.D.,
is a senior fellow at the Hoover Institution and a professor of radiology and chief of neuroradiology at the Stanford University Medical Center.

The past decade has seen dramatic changes in the U.S. health care marketplace. More than two-thirds of patients in the United States are now enrolled in managed-care networks administered by conglomerate, cost-concerned managed-care bureaucracies. Despite managed care, however, health care costs have continued to rise—placing expensive new medical technologies at risk in discussions of containing health care costs.

Although the United States is leading the world into a new era in medicine with the convergence of advances in molecular biology, medical imaging, and minimally invasive diagnosis and therapy, a trend toward non-state-of-the-art technologies is directly correlated with the degree of managed-care penetration. We must realize that **reducing the availability of advanced medical technology will drastically affect our high standard of health care.**

A recent study by researchers at Dartmouth claims that the more subspecialties in health care, the more expensive the care, without significant benefits to the patient. These flawed conclusions received widespread news coverage and conveyed the dangerous implication that the linchpins of the United States health care system—subspecialty care and its associated advanced technology—are simply wastes of money.

Why are such studies misleading? Because the patient outcome measured is patient mortality, which is easily quantified by researchers despite its gross oversimplification of the end point. Most medical researchers agree that more subtle and complex parameters, such as quality of life, more relevantly assess the effects of sophisticated medical care. Indeed, **when experienced subspecialists perform complex medical procedures, numerous studies show improved outcomes.** Similarly, advanced medical imaging technologies may or may not influence mortality statistics, yet more rapid diagnosis using noninvasive, pain-free, and cost-effective methods is an important advantage.

Oversimplifying a complex issue can be dangerous. The widespread publicity generated by the Dartmouth study indicates the highly charged issue of expensive health care in the United States. The rising costs of health care, most of which are a result of technological advances, cannot continue to be tolerated by the current system. Yet technological innovation defined American medicine in the twentieth century. Leading-edge technology, and, more important, access to it, is often cited as the key difference between U.S. and other health care systems. Moreover, it is naïve to think that the uses of specialized medical technologies are best determined by generalists (a point well understood by the medical community).

The United States has the most sophisticated health care in the world. Advances in medical technology, which are essential to improving medical diagnoses and developing new therapies, are expensive and demand highly developed knowledge at the subspecialist level. Because we lead and teach the world the newest advances in medicine, we must sustain the commitment to new medical technologies and subspecialty care. Any proposals to contain health care costs need to ensure the continued development of medical technology.

— Scott W. Atlas, M.D.

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- The Houston Chronicle

- Eason Jordan - Chief News Executive, on CNN's war coverage

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BPA INTERNATIONAL

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The Michigan Punt

Regarding the administration's intervention in the Michigan affirmative action cases, we'll confess to being surprised—and disappointed. The big issue in the litigation is whether under the Court's equal protection jurisprudence Michigan's use of race (by the admissions offices of its undergraduate and law schools) is "narrowly tailored" to achieve a "compelling interest." Like most other universities with race-based admissions, Michigan asserts that maintaining a diverse student body is its compelling interest, and of course it believes that its use of race is indeed narrowly tailored to achieve that goal.

We didn't think the administration would support the Michigan policies (see "Race and the Republicans," Dec. 30, 2002), but we worried that it might confine its argument against the policies to issues of narrow tailoring. The Michigan policies are certainly defective on that score. But they wouldn't exist in the first place unless they could be justified in terms Michigan thinks are constitutional, i.e., on diversity grounds. Thus, we had hoped the administration might challenge the diversity rationale by exposing its creepy underlying assumption (namely, that students should not be considered as individuals but as interchangeable members of their racial groups) and by showing that it is a recipe for never-ending discrimination.

But in its brief the administration offered no opinion on the constitutionality of the diversity rationale. And while it addressed narrow tailoring to some extent, it was mostly interested—this was the surprise—in arguing against the Michigan policies on grounds (1) that they are quotas and (2) that school officials should have tried to achieve student body diversity (leaving aside whether that is constitutional) by first using race-neutral policies. The problem with these arguments—and here lies the disappointment—is that they go only so far. For while they may be enough to decide the cases at hand, they are insufficient to bring discriminatory admissions at Michigan (and elsewhere) to a halt.

If the Court should accept the administration's advice, we can imagine Michigan doing away with quotas and trying race-neutral alternatives only to find that they don't produce the desired results. In which case, the school could again try race-based policies. In which case, as footnote 7 in the law school brief recognizes, "the question whether race could ever be a consideration would arise. That question in turn would depend on whether the State had asserted a compelling interest (and whether its use of race were otherwise narrowly tailored)."

Call us naive, but we thought that *was* the question in the Michigan cases. Here's hoping the justices reject the counsel found in the footnote's concluding sentence: "The Court need not reach that question in this case." ♦

And the Florida Line

Too bad the administration evaded the affirmative action/diversity debate, because it's certainly never a dull one. In the upcoming issue of *Academe* (Jan./Feb.), the American Association of University Professors' magazine, former University of Pennsylvania psychology professor K. Edward Renner presents a novel liberal view of affirmative action: It hasn't helped integrate colleges and universities. According to a report in the *Chronicle of Higher Education*, Renner concedes blacks and Hispanics now go to college in greater numbers than in previous decades but argues that trends favoring whites have made the education gap no less daunting than it was 40 years ago. He specifically blames alumni preferences, but also prepaid tuition plans and "the current movement among many public colleges to tighten admissions standards."

Meanwhile, Florida governor Jeb Bush, in his *amicus* brief in the Michigan case, staked out a position to the right of his brother's administration, arguing that seeking racial diversity without regard to individual applicants' opinions and backgrounds is never a compelling government interest and that it perpetuates old notions of racial difference: "Respondents' assumption that efforts to provide racial diversity equate to viewpoint or academic diversity is problematic. As this Court noted in *Miller* v. *Johnson*, when a state actor makes an assumption that members of a particular race think alike or share the same political views it engages in 'racial stereotyping at odds with equal protection mandates.'"

Though Jeb approvingly refers to his own state's "race-neutral" Talented Twenty Percent and Talented Five Percent programs—which in fact are government programs designed to foster racial diversity—he says rightly that the focus should be on the primary and secondary schools. "Florida's plan is better in that it no longer accepts the lack of quality in the public schools that serve our underprivileged children; better because it recognizes the need to provide mentoring, tutoring, and other extra attention to those underprivileged children and their teachers . . . better because it looks forward to a day when racial classifications and separate standards are no longer deemed necessary by anyone." ♦

State of the (Teachers') Union

Washington, D.C., has one of the worst public education systems in the country. Two recent news stories—both of them corruption tales—help explain why. In the first, Joshua Kaplowitz, a recent Yale grad "with a strong sense of social justice," gets a job teaching fifth graders in the inner city and ends up getting sued for $20,000,000. As he tells the story in the winter issue of *City Journal*, Kaplowitz joined Teach for America in spring 2000 and found a job at the Emery elementary school in Northeast Washington. His second-grade classroom, and much of the school, was in a state of chaos. Children disrupted class without any fear of being disciplined. Gangs roamed the halls. Making matters worse, Emery's principal was unwilling to back teachers and deal with out-of-control children. In fact, any teacher who merely separated fighting students was likely to be investigated for the use of corporal punishment.

Toward the end of the 2000-2001 school year, Kaplowitz ushers one of his students to the door, as the boy insists on going to the bathroom, and places his hand on the boy's lower back. The boy tells his mother that Kaplowitz violently shoved him. Kaplowitz is arrested, tried for assault, and acquitted after a very brief trial. But then come the civil suits. The school system, along with the teachers' union, immediately settle for $75,000. Kaplowitz, however, stands firm, refusing to pay a dime, to his credit and to his parents' credit (they're the poor souls picking up the legal tab).

Now, in such circumstances, where might a D.C. teacher turn for some support, some representation, some justice? Not the teachers' union, it turns out, which has problems of its own. Three former union officials are under investigation for looting the union treasury of $2 million. FBI affidavits have itemized property seized from the homes of the former president Barbara Bullock, the former treasurer James O. Baxter II, and Bullock's former assistant, Gwendolyn M. Hemphill.

A partial list of property seized from former president Bullock: 35 handbags (Gucci, Dolce & Gabbana, Chanel, Fendi, Louis Vuitton, Kate Spade, and on and on with the Chanel), 11 wigs, a 288-piece set of Tiffany silverware, Tiffany white pearl necklace, silver Tiffany ring, silver Tiffany watch, one black cashmere cape with fox trim, one long ranch mink coat, one mink 3-piece scarf set, 40 (yes, 40) pairs of shoes (mostly Bruno Magli and Salvatore Ferragamo), and much else besides.

Of the many eye-popping items in the FBI affidavit, one detail keeps jumping out in the list of the former union president's "property": boxes. Almost every other item is listed as being in its original box. Which means, if the accusations are true, that while Joshua Kaplowitz's parents were running up legal bills to defend their son, the union officials who should have been defending him were so busy stealing they hardly had time to unpack the loot. ♦

Casual

Night Vision

In 1983, when my sisters and I were divvying up our parents' possessions after our mother had died, I put dibs on a favorite block print of Dunedin harbor at night. Mom and Dad had bought it in the late 1950s; it had appealed to them because it looked so much like another New Zealand seaport—Wellington—where Dad was working at the American embassy. I loved the picture, for its own sake, and for its evocation of New Zealand. But it mysteriously failed to turn up among the books and furniture shipped out to me in Cincinnati, where I was living then. And its absence rankled.

I used to think of it at night, driving home to Mt. Adams, the hilltop neighborhood of Cincinnati where we lived. We'd take a road called Columbia Parkway out of downtown to the east, along the Ohio River. The first exit was ours, a right-hand off-ramp that seemed to jut out high over the Ohio, before turning sharply left, across the parkway and up the steep hill. I wasn't a seasoned driver back then, and that ramp never failed to give me an instant's terror that the car would go flying out into the darkness and down into the water. That thrilling instant used to remind me of Mom and Dad's print.

Then in the mid-1990s when one of my sisters moved, the clutter in her garage yielded up my picture of Dunedin. I saw at once why the Mt. Adams exit had brought it to mind.

The picture, which is almost square, consists of three horizontal bands—sky, land, water—each essentially black, but spattered with white and yellow light. A crescent moon casts a wavy luminescence across the sky. On the black hills, there are lights indicating roads and buildings, and at the foot of the hills, brighter lights and bigger buildings, some with towers and steeples. Just where the land and water meet are two big ships, brilliantly lit, and the harbor in the foreground is a dazzling swirl of undulating reflections.

The moon and all the city lights and the lights on the ships have halos, multi-tiered and intricately hatched, and these too are reflected on the water of the harbor. The whole effect

is animated, in a manner reminiscent of Charles Burchfield's ecstatic renderings of nature, or even—I've always thought, though it's a bit of a stretch—of my childhood favorite, Van Gogh's "Starry Night."

Anyway, near the middle of the picture is a wide road, brightly lit, going up the hill. Halfway up, it takes a hairpin turn to the left—a lot like the turn in the ramp over Columbia Parkway to Mt. Adams. Once when we were on that ramp at night, and my heart skipped the habitual beat, I commented without thinking, "This exit always reminds me of New Zealand." The remark annoyed the friend who was driving, who apparently took it as an unprovoked display of geographic one-upmanship. My friend lives on another continent now, but his annoyance has taken its place among the picture's permanent associations.

So I dusted off the print, its glass cracked and frame broken during its long neglect in the garage, and took it to the framer. My daughter, who was with me, made an inspired choice of frame: not gold, but silver, and ornamented so as to catch the light and echo subtly all those finely hatched halos.

That was right about the time I moved into this office, where my Dunedin print hangs on the wall and I can see it while I'm working. As I've studied it these seven years, I've been intrigued by the dainty signature—"Rona Dyer 1958"—and tried and failed to find out anything much about the artist from the Internet. I've also noticed some details I'd previously missed.

Some of the steeples are uncannily like the cluster of steeples and turrets on the corner of Eighth and Plum in Cincinnati, where City Hall, St. Peter's Cathedral, and the Plum Street Temple all stand, and which I used to watch for at the end of Eighth Street as I'd walk downtown from my office along Main.

Then on the horizon, breaking the smooth silhouette of the hills, is a single grove of trees. It is, indelibly, Chanctonbury Ring, the ancient druid grove on the Sussex downs, still in its glory during my stay in Sussex, long before the great storm of 1987 destroyed many of its trees, back when my late mother-in-law was living on the campus of the University of Sussex. Her apartment made a perfect base for our downs walks. Years later, she acquired a necklace that . . . but it's a complicated story.

Very occasionally a visitor to my office comments on my harbor scene. Just once, someone seemed genuinely taken with it. "What a stunning picture!" he exclaimed.

And I said, "Yes, isn't it!"

Claudia Winkler

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IF IT'S *only*

A LITTLE BIT?

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Correspondence

Gophers Gone Wild

Catesby Leigh's "Subterranean Blues" (Jan. 13) on Washington's gopher-hole follies and banal "security" measures is exactly what is needed for Americans, especially cultural conservatives, to sit up and take notice of officialdom's stance toward architecture.

While critics of federal arts policy have justifiably focused on the artistic abominations underwritten by the NEA, they have largely turned a blind eye to the soul-crushing and artless mediocrity being churned out nationwide and sanctioned by various organs of the federal government, ranging from the Park Service and the GSA to the Commission of Fine Arts.

Conservatives need to call these agencies to account and insist that they produce works of art and architecture worthy of a great nation. That means adopting once again the classical tradition that served us well from the Founding up until World War II.

Paul Wilson
Washington, DC

The FICA Fudge

Great editorial by Fred Barnes in the January 13 issue. I agree completely that President Bush should not weaken the tax cut to appease the Dems. Historically, they return no favors ("A Tax Cut, Not a Whimper").

However, in his discussion of possible changes to the tax code Barnes refers to "the payroll tax." The phrase "payroll tax" is misleading. On my pay stub, it is identified as "FICA," an acronym for "Federal Insurance Contributions Act," which is nothing more than the name of the tax provisions of the Social Security Act (first passed in 1935) as they appear in the Internal Revenue Code.

If the original "Social Security Tax" nomenclature was used, instead of the now common "payroll tax," the American public would have a better understanding of where that money is going.

Over the years, the politicians (both Democrats and Republicans) have consciously substituted "payroll" for "Social Security" in an effort to mask the money's destination. By now, the media follows along, using the term without thinking, thus contributing to the subterfuge.

All those interested in accuracy in the media should be more conscious of this, and insist on using the more descriptive terminology.

Richard Renken
Chesterfield, MO

Palestinian Poison

I am a great admirer of Max Boot's work. His latest piece, "Exploiting the Palestinians" (Jan. 13), is of particular interest to me since I have been teaching high school and adult students about the Arab-Israeli conflict for more years than I care to admit.

Unfortunately, the real victim of Arab exploitation of the "Palestinians" is truth. The mythology of the Palestinian people, evolving and increasingly embellished over the last 35 years, has the medical impact of a concoction brewed by a Borgia. It seems to dull the senses so slowly as to prevent the central intelligence system from noting the growing danger.

This systematically administered poison gives comfort to a world only too happy to dump on what's left of the Jews, only too eager to ignore the veritable mountains of evidence, particularly from Arab sources, that the ingestion of this little hoax has been but the appetizing encouragement to eat larger, more lethal portions of poison.

Our burgeoning appetite for lies has led us, for example, to embrace Egypt, Jordan, and Saudi Arabia as friends, to honor Syria as a temporary member of the U.N.'s Security Council, to take seriously a U.N. run by the "values" of ugly, dangerous totalitarian regimes.

If and when we lose our taste for poison, and if we survive the enormous amounts we have already self-administered since the 1950s, the fallacious myth of the "Palestinian people" may join the other lies we have induced ourselves to swallow, not least of which, that "Islam means peace."

How optimistic can we be that we "get it" before the poison gets us?

Anita Stieglitz
Denver, CO

Chicago: The Musical?

No matter how excellent the film *Chicago* might be, John Podhoretz's review of it is wishful thinking ("The Screen Sings," Jan. 13).

Chicago cannot revitalize the movie musical, because it isn't one. No real character sings or dances: All musical elements are "fantasy sequences." Director Rob Marshall has simply capitulated to the "conventional wisdom" that Podhoretz attempts to debunk: Marshall assumes that audiences won't buy the expression of emotion in song, so he punts. Brilliant though the punt is, it knocks the final nail into the musical's coffin. The basic conceit upon which all classic musicals were based is officially dead, except for cartoon characters and rock stars. People don't sing, at least not in movies.

Podhoretz's arguments against this obvious fact are quite bizarre: Spaceships equal chorus lines? Explosions equal production numbers? Uh, okay . . . If this makes his state of denial about the movie musical's demise endurable, I don't want to interfere.

But until a good and successful movie musical is made using the conventions of musicals, rather than pointedly avoiding them, the form must be pronounced, at very least, comatose.

Jack Marshall
The American Century Theater
Alexandria, VA

the weekly Standard

The Rewards of Boldness

President Bush has a word for a policy he thinks isn't big enough to fight for. The word is "small-ball." Bush prefers big ideas, the bolder the better. He loathes halfway measures. So instead of containment of Saddam Hussein and his weapons of mass destruction, a policy that would satisfy most of the world and perhaps most Americans, Bush is pursuing regime change in Iraq and has fashioned a new doctrine of preemption. Rather than a modest economic growth package, he is seeking a supersized tax cut. And instead of accepting the conventional wisdom that Republicans must abjure conservative positions on race-related issues after the Trent Lott episode, the president renominated Charles Pickering as a U.S. appeals court judge and last week urged the Supreme Court to strike down racial preferences at the University of Michigan.

The bold approach has many advantages. For example, Bush doesn't wind up negotiating with himself—that is, jettisoning important items from a proposal on the assumption Congress won't go along. In reality, Congress often approves policies it doesn't like simply because the president insists. Another advantage is Bush improves his chances of getting what he wants and the country needs, not a half or a third of it. And once implemented, the full-blown policy or something close to it is more likely to produce what it's supposed to. Also, a president with big proposals looks presidential, not like a small-state governor. We could go on.

There is a downside. The political community in Washington, including many congressional Republicans, is unnerved by fearless policy-making. When a conservative president acts this way, the press piles on. Democrats put up a stink. Liberal interest groups go on the warpath. Though Bush isn't likely to be affected by all the noisemaking, others in his camp are. We've got a piece of advice for them: Don't panic. You'll only make things worse if you do. Hang tough and good things will happen.

The cycle is not a new one: The president announces a daring initiative, Washington recoils, and doom is predicted, but a steadfast president prevails and the weeks of anxiety and trembling are forgotten. President Reagan went through this, and proved that tenacity pays off. In 1981, his tax cut (three time bigger than Bush's in 2001) was called a budget-buster, an inflation-spiker, and a wild and reckless gamble. Much of Washington was rattled, even White House aides and GOP leaders in Congress. But Reagan didn't flinch, his tax bill passed, and by 1984 the economy was booming with lower inflation, falling interest rates, and plummeting joblessness. Had Reagan blinked and settled for less, he'd probably have been a one-term president.

Then there was the Pershing missile episode in 1983. The United States had promised to deploy the missiles in Europe to checkmate a new generation of Soviet missiles aimed at NATO countries. Despite Soviet objections and throngs of peace marchers, Reagan went ahead. The Soviets retaliated by storming out of arms control talks in Geneva.

Washington was in a tizzy, fearing the Cold War would turn hot. Reagan assured his queasy aides that no compromise was necessary and that the Soviets would return to the arms talks. Sure enough, they did, and soon were signing an arms reduction treaty that Reagan had been advised to abandon because the Soviets wouldn't consider it. Again steadfastness worked, and Reagan gained politically as well.

The analogy with Reagan is apt today. George W. Bush is far closer to Reagan in ideology, boldness, and resolve than he is to his own father. Bush has caught on to how the Washington cycle works, so he isn't the problem. The rest of Washington is. And the impulse to weaken, to retreat amid criticism, to soften, to grow anxious over going too far, remains strong. The Washington political class is essentially a standpat group.

Consider the reaction to Bush's new tax cut. Senate minority leader Tom Daschle labeled it "obscene." At least eight Senate Republicans found serious fault with it. More than one Republican said Bush might have to abandon his plan to eliminate the double taxation of

stock dividends. The press is brimming with stories about average citizens who are tepid about the tax cut and complaints from economists who say it will drive up the deficit without boosting the economy. Polls are not particularly favorable.

So it must be time for Bush to pare his tax plan drastically in hopes of getting it passed, right? Not at all. The blizzard of attacks was inevitable after the announcement of an unexpectedly sweeping proposal. But the storm will pass, and it will dawn on Washington that only two Republicans are likely to vote against Bush's bill and, with tweaking here and there, a number of Democrats will probably sign on. Steadfastness, in this case adherence to the principle that serious tax cuts promote a stronger economy, will be rewarded once more.

Or take Bush's firm stand against racial preferences, an issue he could have ducked or temporized on. Nothing was more certain than the angry outburst by liberal Democrats and black leaders, who accused Bush and Republicans of turning back the clock on civil rights by siding with the white victims of a race-based admissions policy at the University of Michigan. Just as certain was the media's focus on the "problem" Bush has with black voters and his need to mollify them.

What should be remembered is that racial preferences have a huge lobby in Washington. Outside, it's another story. There, the opponents of affirmative action vastly outnumber the advocates. Of course they don't have the megaphone the race lobby does, so they aren't heard from now. But they will be in 2004.

When Bush delivers his State of the Union address on January 28, no doubt he'll ignite more frenzies of surprise and trepidation. Surely his insistence that real reform and modernization of Medicare must accompany the creation of a prescription drug benefit will prompt hand-wringing. Anything more than a fleeting reference to creating individual investment accounts in Social Security will have the same effect.

These reforms, too, are supposedly no-nos with harmful political repercussions. But then so was pulling out of the Anti-Ballistic Missile Treaty with Russia. Once it happened, it was accepted and forgotten. Then there was the decision to stop allowing the American Bar Association to interview and rate potential judicial nominees. Who remembers that? More important, Bush declared a war on terrorism rather than merely prosecuting terrorists. And a year ago he cited Iraq, Iran, and North Korea as an "axis of evil." Events have vindicated him on both counts. The lesson is clear: Boldness in pursuit of just causes and legitimate goals may cause heartburn, but it works.

—Fred Barnes, for the Editors

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The Lieberman Coalition

Guess who's coming to the support of his campaign? **BY STEPHEN F. HAYES**

IT'S ODD, TO SAY THE LEAST—Joe Lieberman, first ever Jewish-American presidential candidate, leading the Democratic field in support from black voters. But according to a recent *USA Today*/Gallup poll asking black Democrats who they liked best from a list that included Al Sharpton, that's exactly what is happening today.

The first explanation most political observers give for this popularity is also the most obvious: name identification. A former vice presidential candidate gets a head start from having his name on the leftover blue and red bumper stickers that still decorate the rear ends of cars across the country.

But Lieberman supporters and advisers insist that something bigger is happening: Black America loves Joe Lieberman. They offer several reasons. He is breaking barriers. He speaks the language of values. And since the 2000 campaign ended, even before he knew for sure he would run in 2004, Lieberman spent time cultivating support among African-American leaders in Washington and around the country.

"He understands the role of faith in government and American life, and that really resonates with African-American voters," says Donna Brazile, the strategist who ran the Gore-Lieberman campaign in 2000. "Culturally speaking, African Americans are quite conservative on lots of issues. Some people think that because we have dark skin, we're liberal. That's not right."

Stephen F. Hayes is a staff writer at THE WEEKLY STANDARD.

Of all Lieberman's attributes, none is more important than his attentiveness, especially to a constituency wary of being taken for granted. Last spring, as he waited for Al Gore to decide whether to make another bid for the White House, Lieberman telephoned Eddie Bernice Johnson, then head of the Congressional Black Caucus, to ask which caucus members he might support with his PAC. She gave him a list of the CBC members thought to be most vulnerable, and Lieberman contributed to almost 20 of them. Among his contributions was a $1,000 check to the reelection effort of Rep. Earl Hilliard of Alabama.

Hilliard had a long record of hostility to Israel. He refused to sign a resolution in support of Israel's war on terrorism, and sponsored a bill, after September 11, that would have lifted sanctions on states that sponsor terrorism. Columnist Cynthia Tucker called Hilliard "a loose cannon, a dimwit, and perhaps a crook" who "gained a reputation for trying to persuade his colleagues to vote against pro-Israeli initiatives." Hilliard lost in a nasty June primary in which his opponent solicited and received large sums from Jewish Democrats. After the race, he warned of a "future with a great deal of conflict between African Americans and Jews in this country" and suggested African Americans would seek "retribution" for his loss.

Lieberman's advisers point out that the money was given in late March, several weeks before the primary turned into a bitter referendum on the Middle East. But the senator's critics say the Hilliard contribution is one example of just how far Lieberman is willing to go to win support among black politicians and voters.

Another, they say, came last week, when Lieberman blasted the Bush administration for filing a brief with the Supreme Court opposing the University of Michigan's affirmative action program. "I am deeply disappointed by the president's decision today," Lieberman said. "This was an opportunity for the president to demonstrate his commitment to achieving real equality in education. Instead, he sided with the right wing of his party, and sent a signal that equal opportunity in higher education is a low priority for his administration."

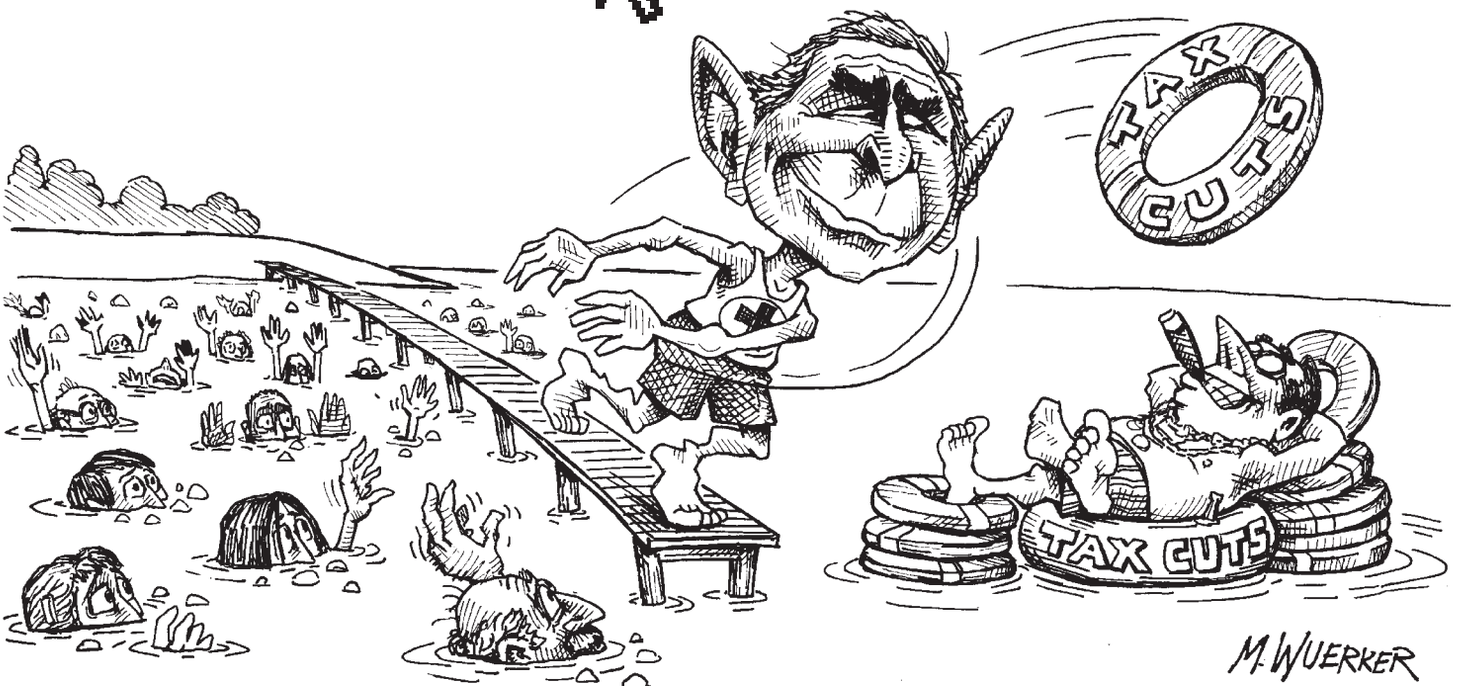
It's a shot that might be expected from any of the other Democrats running for president. But Lieberman's own views on racial preferences in the mid-1990s put him arguably to the right of where President Bush is today. And the admissions programs at Michigan, particularly at the undergraduate level, could hardly provide a clearer example of a racial preference. In an admissions process in which applicants generally need 100 out of a possible 150 points to be accepted, some students are awarded 20 bonus points purely for their membership in a racial group. Others, because they're the wrong color, are not.

In 1995, Lieberman had strong words for such a system: "Affirmative action is dividing us in ways its creators could never have intended, because most Americans who do support equal opportunity and are not biased don't think it is fair to discriminate against some Americans as a way to make up for historic discrimination against other Americans. For after all, if you discriminate in favor of one group on the basis of race, you thereby discriminate against another group on the basis of race."

Lieberman went further. He infuriated many in his own party when he said he would support Califor-

TomPaine.common sense

A Public Interest Journal



Whose 'Class Warfare'?

Let's have a real debate about class in America. That's just what the people screaming "class warfare" fear most, so bring it on.

President Bush's recent tax proposal is warmed-over Reaganomics spiced with enough audacity, he hopes, to hide the rot. Economists, pols and pundits have panned it, even some conservative ones.

The plan **"may be the least defensible policy ever,"** one critic, an advisor to GOP administrations since Nixon, told *The Washington Post's* David Broder.

With critics like that, no wonder the president and his apologists are wielding the "class warfare" charge so aggressively. It's a canard meant to deflect criticism and curtail debate, a slur meant to paint its target as Marxist.

George W. Bush railing against "class warfare" is like Trent Lott deploring liberals for "playing the race card."

Bush is the one seeking massive tax reductions for the rich. He's proposed ending the estate tax on huge inherited fortunes. Meanwhile, he's cutting winter fuel assistance and federal housing subsidies for needy Americans. All this when the gap between rich and poor is wider than it's been since just before the Great Depression.

"The essence of the American experiment is our collective rejection of European hereditary aristocracy and grotesque inequalities of wealth," the authors of a new book, *Wealth and Our Commonwealth,* remind us. **"The nation's founders and populace viewed excessive concentrations of wealth as incompatible with the ideals of the new nation."**

But plutocrats posing as patriots run Washington today. They've forgotten our founding principles.

It's time for advocates of progressive taxation to muster our facts and history. Let's have a real debate about class in America.

TomPaine.com - Whose 'Class Warfare'?
Featuring "Bring It On" by John Moyers... Three provocative proposals from Matt Miller... and excerpts from ***Wealth and Our Commonwealth,*** *by William H. Gates, Sr. and Chuck Collins (Beacon Press,* ***www.beacon.org****).*

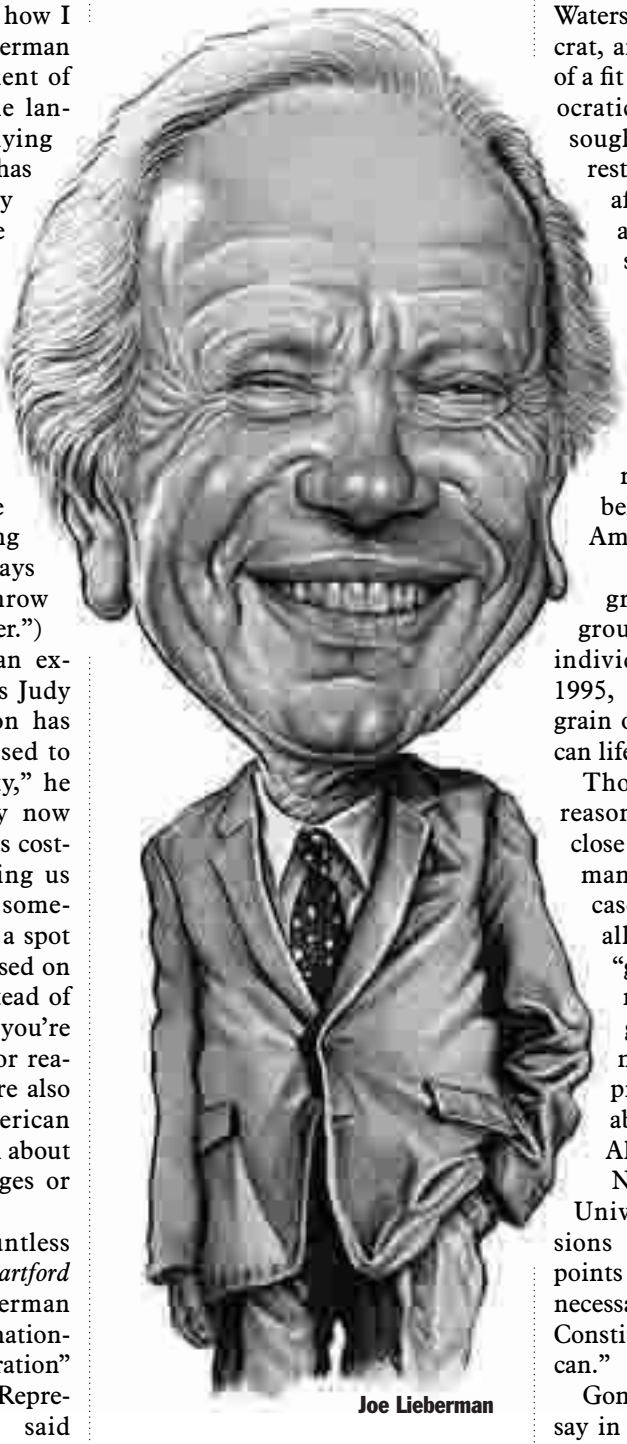
nia's Proposition 209—a 1996 statewide ballot initiative that banned racial preferences—taking a step then Governor George W. Bush would not.

"Looking at the civil rights initiative in California, I can't see how I could be opposed to it," Lieberman said. "It basically is a statement of American values. It takes the language and the values underlying the civil rights acts Congress has passed and says not only should we not discriminate against somebody, we shouldn't discriminate in favor of somebody based on the group they represent."

(A spokesman says Lieberman did not intend to endorse Prop. 209, and was simply responding after a reporter read the text of the proposition. "The wording camouflaged what it did," says Dan Gerstein, "which was throw the baby out with the bathwater.")

In March 1995, Lieberman explained his position to CNN's Judy Woodruff. "Affirmative action has been a tactic that has been used to accomplish equal opportunity," he argued. "But the tactic may now have come to a point where it's costing a lot more than it's giving us because anytime you choose somebody for a position—a job or a spot on a college or a contract—based on the group they belong to instead of their individual capabilities, you're deciding against somebody for reasons that are unfair and you're also undercutting the basic American premise that this country is all about individuals, not about averages or groups."

Those comments, and countless others like them, led the *Hartford Courant* to report that Lieberman had become "the Democrats' national symbol for this white frustration" caused by affirmative action. Representative Maxine Waters said Lieberman must be "vigorously opposed" because "what he's doing is dangerous." A local Connecticut Democratic party chapter circulated a petition to oppose Lieberman's efforts, and Jesse Jackson teamed with the National Organization for Women to sponsor an anti-Lieberman rally at Yale University, Lieberman's alma



Joe Lieberman

mater. Jackson also fired off a four-page letter to Lieberman calling the senator's remarks "particularly irresponsible," later adding that on affirmative action "Lieberman and Jesse Helms are indistinguishable."

Helms or not, Lieberman had to explain himself to some skeptical Democrats when Al Gore picked him as his running mate. Maxine Waters, the liberal California Democrat, and others pitched something of a fit about Lieberman at the Democratic Convention. Lieberman sought to put their concerns to rest, declaring: "I have supported affirmative action. I do support affirmative action. And I will support affirmative action." These assurances, although they settled the issue for Democrats politically, were never entirely convincing because Lieberman had always tended to speak about racial issues in terms of deep beliefs about what it means to be American.

"The fact is that some programs grant benefits based on group membership instead of individual ability," he argued in 1995, "and that runs against the grain of a basic principle of American life."

Those powerful words were the reason many conservatives paid close attention last week to Lieberman's thoughts on the Michigan case. Michigan's program, after all, is quite clearly one that "grants benefits based on group membership," the kind of program Lieberman once couldn't square with basic American principles. Would he now, absent any obligation to mimic Al Gore, return to the Old Joe?

No. Lieberman argued that the University of Michigan's admissions process, with its 20 bonus points for preferred pigmentation, is necessary to "realize the promise the Constitution makes to every American."

Gone is the Lieberman who could say in 1995, "You can't defend policies that are based on group preferences as opposed to individual opportunities." His successor does precisely that. ♦

Illustration by Drew Friedman

PRESIDENT BUSH, CREATING A PALESTINIAN ARAB STATE MEANS CREATING A NEW TERRORIST STATE

THAT'S WHY 2 OUT OF 3 ISRAELIS OPPOSE IT.*

In his June 24, 2002 speech, President Bush spelled out specific conditions that the Palestinian Arabs must fulfill before the U.S. will support giving them a state. Here's what happened since:

BUSH'S CONDITION: They must "engage in a sustained fight against the terrorists and dismantle their infrastructure."

THE PALESTINIAN ARABS' RECORD: They haven't arrested terrorists, outlawed terror groups, shut down bomb factories, or confiscated the terrorists' tens of thousands of weapons. The Palestinian Authority (PA) itself regularly orders, pays for, and glorifies the murders of Israelis.

BUSH'S CONDITION: They must "end incitement to violence in official media and publicly denounce homicide bombings."

THE PALESTINIAN ARABS' RECORD: The PA promotes a culture of anti-Jewish and anti-American hatred in its media schools, summer camps, officials' speeches, and sermons by PA-appointed clergymen.

BUSH'S CONDITION: They must "elect new leaders, leaders not com-promised by terror."

THE PALESTINIAN ARABS' RECORD: Yasir Arafat and other arch-terrorists are still the leaders of the PA, and the "new" cabinet Arafat recently appointed consists almost entirely of his previous cabinet ministers.

BUSH'S CONDITION: They must "build a practicing democracy based on tolerance and liberty."

THE PALESTINIAN ARABS' RECORD: Newspapers that dissent from Arafat's line are suppressed ... Women are treated as second-class citizens ...Christians are persecuted and pressured to emigrate ... Jewish holy sites are desecrated.

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MORTON A. KLEIN / National President Zionist Organization of America (ZOA)

WILLIAM J. BENNETT Former U.S. Secretary of Education, Author, *Why We Fight: Moral Clarity & the War on Terrorism*

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(Titles for identification purposes only.)

*June 2002 poll by Hanoch Smith Institute, one of Israel's leading pollsters, found 66% of Israeli Jews are opposed to the creation of a Palestinian Arab State.

Zionist Organization of America

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To receive a free copy of the ZOA;s book, The Dangers of a Palestinian State *(with an introduction by U.S. Sen. Jon Kyl [R-AZ]), please contact the ZOA at the address above.*

The Chosen Republican

Richmond's Eric Cantor joins the House GOP leadership. **BY SUSAN J. CRABTREE**

AT FIRST GLANCE, Eric Cantor's life story resembles the biographies of scores of other suburban Republicans in Congress. Born and raised in the South, he attended a private Christian high school, and earned his law degree before returning home to work in the family business. He began his political career in the state legislature fighting to protect tobacco companies and return budget surpluses to taxpayers.

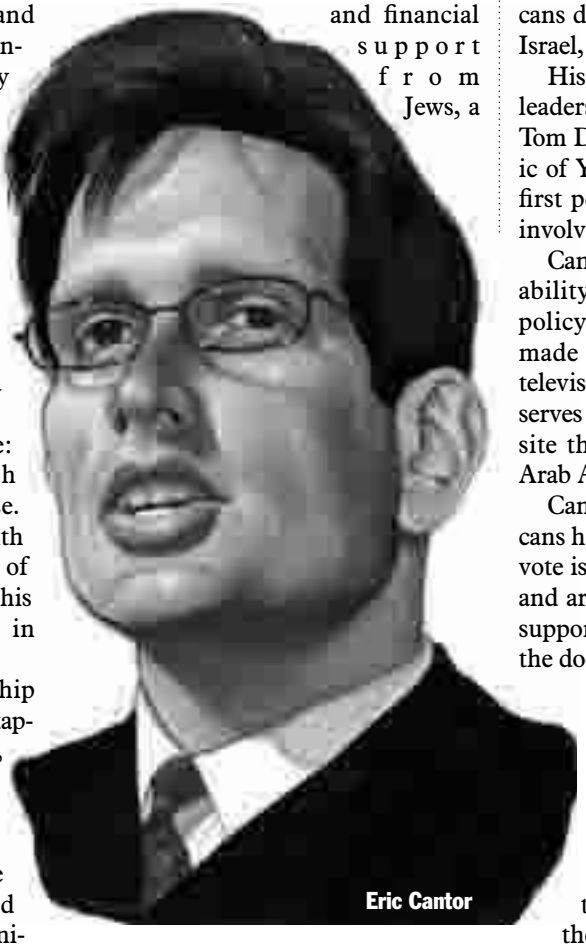
An unflinching fiscal conservative, the Virginia Republican is pro-life, supports the Second Amendment, and backs voluntary prayer in school. He's even a Rotarian.

But there's a critical difference: Cantor, 39, is the only Jewish Republican serving in the House. And there's no denying that his faith and passionate stands in defense of Israel have played a major role in his rapid ascent over just two years in Washington.

Two months ago Majority Whip Roy Blunt stunned colleagues by tapping Cantor to be his chief deputy, the same post Dennis Hastert held before becoming Speaker four years ago.

"He's worked hard around the country to try to build bridges and support among the Jewish community and he did that very effectively," Blunt says. "As the only member of the House leadership—Republican or Democrat—who's Jewish, it gives him substantial credibility to help reach out in that direction."

Cantor joins the Republican leadership at a time when the party is straining to translate its ardently pro-Israel message into votes and financial support from Jews, a group Democrats have dominated at the ballot box for generations.



Eric Cantor

Republican insiders were quick to call his selection a stroke of genius. In his brief tenure in Washington, Cantor has built a reputation as a smooth political operator, a workhorse, and an articulate, energetic spokesman for the cause. He was barely installed in office before he began traveling the country, reaching out to such powerful national Jewish groups as the American Israel Public Affairs Committee (AIPAC) and the Jewish Institute for National Security Affairs.

Just weeks ago, he addressed a group of AIPAC activists in West Palm Beach, Florida, a bastion of Jewish Democrats. "It's no secret that the mainstream Jewish community in this country is Democrat," Cantor said in an interview shortly after that trip. And members of the Jewish community "have a different domestic agenda often than most conservative Republicans do. But I think when it comes to Israel, all that gets set aside."

His message is music to Republican leaders' ears. House Majority Leader Tom DeLay, an uncompromising critic of Yasser Arafat, says Cantor is the first person he turns to on questions involving Israel.

Cantor's easy southern manner and ability to articulate complex foreign policy matters succinctly have also made him a regular on the national television talk circuit. On *Crossfire*, he serves up pro-Israel sound bites opposite the likes of James Zogby of the Arab American Institute.

Cantor says any foothold Republicans have gained in wooing the Jewish vote is largely due to George W. Bush, and argues that the president's strong support for Israel already has opened the door for Jews to flock to the Grand Old Party.

"9/11, that awful, awful tragedy that occurred because of a terrorist attack was really the catalyst," he said. "The Jewish community in America realized that there is a common enemy out there, and it is not Republicans."

His efforts have not been lost on leaders of the Jewish political community. Howard Kohr, the executive director of AIPAC, has called Cantor "a true leader when it comes to the Middle East." Matt Brooks, the chairman of the Republican Jewish Coalition, where Cantor is a board member, said the Virginia Republican is

Illustration by Earl Keleny

Susan J. Crabtree is a reporter at Roll Call, *where she covers the House Republican leadership.*

"uniquely capable of selling the Republican agenda to Jewish voters."

In his first year in Congress, he quickly won the support of influential Jewish GOP activists with deep pockets, including Fred Zeidman, a venture capitalist from Houston who Bush appointed chairman of the U.S. Holocaust Museum.

"I really liked him the first day I met him," Zeidman said of Cantor. "I wrote him a check."

As an adult, Cantor has never been shy about voicing his support for Israel, even though the issue was a mild undercurrent in his first primary battle against Virginia state senator Steve Martin, the son of a country preacher. He won by fewer than 300 votes.

But growing up in the good ol' boy South with a Baptist or Episcopal church on every other street corner, he learned to be reticent in his faith. Life as one of the only Jews in a high school class of 100 could be awkward.

Cantor's family chose to send him to Collegiate, a prestigious, nondenominational private school where there were daily chapel services. When his classmates bowed their heads to pray, he bowed too, but refrained from full participation in the prayers. His family stoked his faith by sending him to Hebrew school three times a week.

After earning his masters' in real estate at Columbia University in New York, where he met his wife, Diana, he became more vocal and active.

The Cantors volunteer their time to the Richmond-area Jewish community, which he estimates to be 12,000 to 14,000 strong, but barely 2 percent of the old Confederate capital's overall population. Cantor is on the board of and helped secure state funding for the Virginia Holocaust Museum and over the years has participated in the annual campaign to raise millions for the local Jewish Federation.

"I have come along in life to be a little more open about [my faith]," Cantor said. "I was very private about it and never really talked about it."

Cantor also keeps kosher, a fact that makes it difficult to swing by a Capitol Hill reception for a quick bite. But he would rather go hungry than ask for special arrangements.

"I will just make do . . . to me religion is a very private thing," he said.

Like so many Jewish immigrants to the United States, Cantor's grandparents on his father's side left Eastern Europe to make a home in New York City. His great uncle was the first to relocate to Richmond for an opportunity to work in the restaurant fixture business. His grandfather followed, but died when Cantor's father was just two years old. His grandmother ran Cantor's Grocery and, for a time, she and her two sons lived above the store.

Cantor's father went to law school, eventually starting a business developing real estate and shopping centers. It was a comfortable existence, but Eric remembers the long hours his dad put in.

"He always told me, the bottom line, the proof is in the pudding, just do the work," Cantor recalls.

This attitude, Cantor says, made his father a natural Republican and forms the foundation of his own conservative philosophy. Later, when he had more free time, his father dedicated it to the Richmond Republican political community, winning several local GOP offices. He was a key Virginia supporter for the 1984 Reagan-Bush campaign, and Eric was working precincts before he could vote.

Along the way, the Cantor family grew close to such prominent Virginia Republicans as Tom Bliley, who served as mayor of Richmond and went on to become a prominent elder statesman in Congress. During college, Eric interned in Bliley's congressional office and served as his driver and, years later, as his campaign manager. The relationship would pay off down the road, when Bliley's formidable resources and political machinery were widely credited with giving Cantor the edge in his razor-thin primary victory during his first campaign for Congress in 2000.

"He is one of those people who have the unusual and uncommon ability to disagree with people without becoming disagreeable," Bliley said.

Cantor's easy charm and commitment to the issues helped drive Jewish voters to the polls to vote for him. Now Republicans hope he can transfer that to the national stage. Although in the 2000 presidential election Al Gore took almost 80 percent of the Jewish vote, a recent poll shows that 37 percent approve of Bush's performance so far as president and 43 percent approve of the way Bush is handling Israel and the Middle East.

It will be a tough task but Cantor refuses to be daunted. "The message of trying to be there to provide government services and the government's helping hand.... The Democrat party has always been a little more effective in communicating to the Jewish community," he said. "But I think it's a totally new day, though. I really do." ♦

Israel's French Friends

Yes, there are some.

BY CLAIRE BERLINSKI

Paris

AS A ROUTINE MEETING of the board of governors of Pierre and Marie Curie University in Paris drew to a close on December 16, a rump contingent of the board seized the opportunity afforded by the absence of their colleagues, most of whom had already departed for the holidays. The group—computer scientists and medical researchers, mostly—passed a motion lamenting the fate of the Palestinians and urging the European Union not to renew its cooperation agreement with Israeli scientists, researchers, and universities. The boycott motion had not been on the council's agenda; it was discussed with only 33 of the group's 60 members present; it passed with just 22 votes.

Still, consider the project almost two dozen academics at the distinguished University of Paris VI (as the school is formally known) were pleased to support: Under their proposed boycott, Israeli researchers of all political persuasions would be thrown off European scientific committees and banned from European academic conferences. Israelis would be barred from contributing to European academic journals. Cooperative international research projects led by Israeli scientists—on such topics as water resource management, cancer treatment, and regional disease eradication—would be cancelled; Israeli exchange students in Europe would be sent home.

Of course, since Israeli universities are centers of scholarship not only for Jews but for Arab Muslims, Arab Christians, Druze, and students of other ethnicities, non-Jewish casualties would be inevitable, but then, the sponsors of the boycott resolution surely reasoned, one must break eggs to make omelettes.

Despite their eagerness to deplore brutal military occupation in faraway lands, the academics missed a few easy calls—there was no appeal for a boycott of Chinese scholarship to protest China's occupation and cultural genocide in Tibet, for example; nor did the board lobby to sever European ties to Indian scientists in protest of the occupation of Kashmir. The British occupation of Northern Ireland was ignored. Not one board member proposed to return his own paycheck and resign to protest recent French incursions into the sovereign nation of Ivory Coast. One begins to suspect a suspiciously selective sense of indignation.

The premises underlying the boycott proposal were unspoken but obvious. First: Israel is a pariah state and the most deserving object of any right-thinking academic's opprobrium. Second: The occupation of the West Bank and Gaza is manifestly illegal and unjust, and the cause of Arab animus toward Israel, rather than vice versa. Third: No blame for the Palestinians' misery is to be attached to the Palestinian Authority, Palestinian academics, or Palestinian universities (themselves notorious terrorist training grounds). Fourth: When considering the occupation, there is no need to discuss the unrelenting and indiscriminate Palestinian terror campaign, on Israeli soil, against Israeli civilians. Fifth: It is fitting for scientists and intellectuals, teachers and students, to be punished for decisions made by their governments. And finally: What the globe's most volatile regional conflict really needs is for the board members of French universities to insert themselves into the mix. These premises range from the ludicrous to the dubious to the patently false.

When the motion was reported, there was a predictable uproar. Predictable, that is, to everyone but the board members, who declared themselves shocked, dismayed, and deeply *hurt* that their Nobel prize checks were not already in the mail. Biochemist Anne-Marie Leseney, who voted for the motion, remarked indignantly to the French press that "in the mail which I receive, they treat me like an anti-Semite; I am scandalized!" Alas for Leseney, being scandalized is something of a *spécialité de la maison* for French academics.

Opposition to the boycott was led by Bernard-Henri Lévy, the popular public intellectual who, when not appearing on television to discuss the finer points of French philosophy, dabbles in cinematography (he directed a soft-porn film starring his own wife). BHL, as he is styled, launched a petition denouncing the motion that swiftly attracted more than 21,000 signatures.

The document was in some ways dispiritingly wide of the mark: By and large, BHL argued, Israeli academics tilt to the left, and therefore cannot be held responsible for the policies of the Sharon government. True, but not really the point. Nonetheless, signatures accrued; the list was embarrassingly long and the signatories embarrassingly prominent. The timing of the boycott motion was particularly humiliating to the Chirac administration, which has been attempting to position itself as a voice of reason and maturity in all things Middle Eastern. Jewish students protested; the Israeli

Claire Berlinski's novel Loose Lips *will be published by Random House in June.*

ambassador expressed his indignation. (Arab students demonstrated as well, just to be sure no opportunity for demonstrating was missed.)

To make matters worse, administrators at Pierre and Marie Curie's sister university, Paris VII, placed a similar motion on their own administrative agenda. The debate on the resolution was to take place on January 7—which would have added a nice punctuation point to a week that included the stabbing of a prominent left-wing Paris rabbi by a racist hoodlum and a double-suicide bombing in Tel Aviv that left 23 dead. But upon returning from their vacations, senior French government officials were properly appalled by the academicians' shenanigans. Their indignation is easy to understand: French officials, as the poet Nelson Ascher observes, are too cynical to indulge in anti-Semitism. France seeks to play a major role in world politics; given that it has no hope of expressing this aspiration through military might, it must do so through diplomacy.

To have any influence in the Middle East, France must at least appear to be an honest broker. But if French universities are taking it upon themselves to boycott their Israeli counterparts, the pretense of neutrality becomes hard to sustain, especially since French universities, unlike American ones, are under the control of a highly centralized government. The government was well aware that particularly coming from France, with its bleak historic record of participation in the destruction of European Jewry, such a motion was apt to appear to the world to be precisely what it was: unconscionable and repellent.

The Chirac government sought to divorce itself from the motion as swiftly and completely as possible: Over the course of a single day, in a carefully choreographed series of statements, Education Minister Luc Ferry described the motion as "inappropriate"; the Education Ministry indicated its hope that French and foreign universities might *amplify* their exchanges; the Foreign Ministry took pains in a press conference to disassociate official France from the caprice of a few misguided academics.

Shortly thereafter, the mayor of Paris denounced the motion as a "shocking act and a tragic error"; Jack Lang, the Socialist deputy of Pas-de-Calais, declared that "Israeli universities are oases of tolerance, fraternity, freedom and democracy" and that "the proposal for a boycott is an act that encourages fanaticism and obscurantism." For good measure, the Quai d'Orsay reminded the press that "French authorities do not feel bound by the decisions of Paris VI university," and *Le Monde* published an editorial deploring the motion.

Opposition to the boycott was led by Bernard-Henri Lévy, who launched a petition that quickly gathered 21,000 signatures.

And thus the resolution at Paris VII was never put to debate at all. University president Benoît Eurin, no doubt having been reminded exactly who pays his salary, declared the motion to be incompatible with the university's charter, and issued a press release that rather irrelevantly paraphrased, without credit, Winston Churchill's comment that democracy is the worst system possible save all the others. The announcement of the motion's demise was buried in a very urgent communiqué about the university's legal and moral obligation to complete asbestos removal before the year 2005.

As an afterthought, the board of directors observed that judgments on the suspension of scientific exchanges with Israeli universities were outside the institution's jurisdiction, and, in compliance with Article 3 of the January 26, 1984, Law on Higher Education, the board was in favor of reinforcing Paris VII's scientific cooperation agreements with all the universities of the world. The motion in favor of staying the hell out of foreign policy from then on was passed with 39 in favor, 6 against, and an abstention. (Readers will be relieved to know that the asbestos resolution was adopted with 41 votes and 4 abstentions—there, at least, is one principled stand of which the French academy can be proud.)

At first blush, the dismissal of the boycott motion seems a characteristically French resolution to the problem, reminiscent of the judgment in the lawsuit aimed at banning Oriana Fallaci's feisty book about Europe and Islam, *The Rage and the Pride.* The French judiciary declined to take a stand on the essential issue—whether French courts should be in the business of banning books—and instead dismissed the suit against Fallaci on purely procedural grounds. But a closer examination of the statement issued by Paris VII reveals that the board did not really base their decision on a procedural point at all. They claimed first that the issue was beyond the council's jurisdiction, but in appealing to the law of January 26, 1984, they appealed to its plain meaning. The law states that the university is committed to diversity of opinion and freedom of speech; but the law, as it happens, says nothing about *procedures*. If the resolution in question had called for an *improvement* in relations with Israeli scholars, the board surely would not have prevented its being debated on procedural grounds.

Following Paris VII's press release, the administrators at Pierre and Marie Curie University clung bravely to the mast of principle for all of five minutes, then followed suit by renouncing their initial resolution, also on quasi-procedural grounds, thus bringing the episode to an inglorious close. ♦

Frisked in Munich

A better approach to airport security.

BY JOSEPH EPSTEIN

"THEY ORDER, said I, this matter better in France," began Laurence Sterne in his eighteenth-century travel book, *A Sentimental Journey Through France and Italy*. Although the matter was rather a different one, my shoes in hand, I thought, they don't do at all badly in Germany, either. I had just debarked a flight from Prague to Munich and was headed for one thence to Chicago, when stopped by the security queue that is now part of the way of life of all travelers.

A royal pain is the gentlest way I know to describe this newest hitch in air travel—and under my breath I invariably curse the terrorists for putting us through it—but, alas, it is also now inarguably a necessary one. But if a security check has to be done, then, dammit, it ought to be done right. I thought the German crew in Munich did it right—and it is not easy for me to say this, cognizant as I am that Germany is perhaps the only country in the world that, historically, has been able to give "efficiency" a bad name.

At the Munich airport all travelers without exception were asked to take off their shoes. We were also all asked to deposit our coats and metal objects in a plastic container. Every one of us had the metal detectors run along our bodies. All this was done with reasonable haste, by young men and women who seemed to have at least three languages at their disposal and went about their work in an impressively thorough yet cheerful way. A spirit among them prevailed of we don't like this any better than you, so let's get it over with quickly. Nor was there much in the way of resentment on the part of my fellow travelers, most of whom were Americans. At the same time the check seemed serious.

Above all, the Germans went at their irksome—for travelers, for themselves—job without any of the sense of spiritless perfunctoriness that Americans working at the same task seem almost uniformly to achieve. There is something about going through a security check in American airports that is all the more dispiriting for its not being, somehow, convincing. One gets the feeling that the people hired to do the work have been instructed to single out every twelfth—ninth? sixteenth?—traveler for closer scrutiny. The entire operation seems arbitrary, mechanical, and unreal. There is a McDonald's fast-food feeling about the proceedings. One also feels that someone who joins a bit of cleverness with real malevolence would have a fairly good shot at getting through an American security check without being detected with a carefully hidden weapon.

There is something about going through an airport security check that is all the more dispiriting for its not being convincing.

In American airports, after the original security check, there is, as everyone who has flown since last year knows, generally another selective check just before boarding one's plane. Certain people are asked to step out of line and their carry-on bags are gone through on a long table at the side of the boarding entrance. If one wants to avoid this irritating bit of extra scrutiny, the best way to do so, I have discovered, is not to get in the boarding line until someone is chosen for this additional search. Because the inspectors cannot do more than one such search at a time, you will pass into the plane without further delay.

Norman Y. Mineta, the secretary of transportation, has spoken against the prospects of racial profiling during airport security checks. Plainly, it is unfair to be forced to undergo extra investigation because of one's Middle-Eastern and now Indonesian or Filipino look. Yet neither should one's having the name Mohammed or Mustafa give one a free ride owing to a misdirected if utterly well-meant political correctness. The way things are currently run in American airports one sometimes sees mildly scarifying young men given a pass at security checkpoints, while tottering great-grandmothers are asked to undergo the full, shoes-off frisking.

They order these things, as I began by saying, better in Germany, where everyone is asked to go through the full drill and chance is largely removed from the operation. The element of irritation is not entirely removed—it never will be—but at least a touch of inefficient arbitrariness is not added to the proceedings, and in the long run security itself is increased. Which is supposed to be the point, right?

I don't know what the Germans pay their airport security people. From the look of high competence among them, my guess is that it is more than we pay ours. What gives them their cheerful look while doing an obviously boring task, I also do not know. But Secretary Mineta would do well to fly into Munich to look into how they manage things so impressively there. A staff aide had better make certain that the secretary wears clean socks with no holes in them. ♦

Joseph Epstein, a contributing editor to THE WEEKLY STANDARD*, is the author most recently of* Snobbery: The American Version.

"Scoop" Bayh

A surprisingly hawkish Democrat.

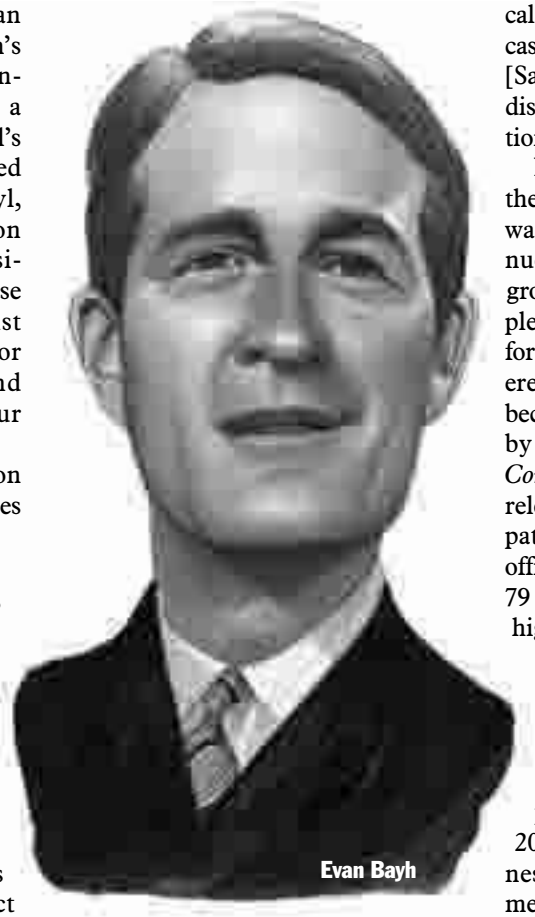
BY DANIEL MCKIVERGAN

WITH THE OPENING of the 108th Congress earlier this month, Democrat Evan Bayh, Indiana's junior senator, was rather busy. He held a press conference with Republican Kay Bailey Hutchison of Texas, urging Congress to speed up the elimination of the marriage penalty tax. While fellow Democratic senator Joe Lieberman was attacking President Bush's North Korean policy as too "confrontational," Bayh called for a "stronger" response to Kim Jong Il's nuclear provocation. He also worked with Republican senators Jon Kyl, John McCain, and Jeff Sessions on legislation empowering the president to, among other things, impose full economic sanctions against Pyongyang, interdict weapons or weapons-related shipments to and from North Korea, and bolster our military forces in the region.

Needless to say, Bayh, who sits on the Intelligence and Armed Services Committees, is a different kind of Democrat. This is especially true on matters of national security, where, not unlike Scoop Jackson before him, Bayh has adopted what he calls a "muscular approach to foreign policy" that puts him at odds with most members of his own party.

As with President Bush and his national security team, the 9/11 attacks deeply affected Bayh's thinking on how best to protect Americans. "The world changed forever on September the 11th," he argued during Senate floor debate in support of the resolution authorizing force against Iraq. "The principal lesson of that tragedy is that America waited too long to address the gathering danger in Afghanistan. We must not make that mistake again."

It is not surprising, then, that Bayh has aggressively made the case for the president's new strategic doctrine of preemption. The media have of course played up Democratic objections to preemption (which properly understood includes preemption as an *option* should other means "to forestall or prevent such hostile acts by our adversaries" not work), because that's where most Democrats have come down on the issue. Bayh's position has put him on a collision course with Democratic leaders, and he hasn't flinched yet.



Evan Bayh

Illustration by Earl Keleny

On September 23, 2002, Al Gore told an audience in San Francisco that plans for dealing with Iraq should be shelved because there's "no evidence" Saddam Hussein has given weapons of mass destruction to terrorists. Furthermore, said Gore, the preemption doctrine was just another effort by the administration "to please the portion of its base that occupies the far right." The very next day, on *Fox News*, Bayh responded to Gore's assessment of the Iraq situation: "To wait until an attack is, quote, 'imminent'—well, our intelligence, as we found out, is not perfect, and we would run the risk of a real calamity. And that's why I think the case for moving forward now, before [Saddam Hussein] has the chance to disseminate [weapons of mass destruction], is compelling."

Nor does Bayh hold his tongue on the subject of Kim Jong Il, whom, he warns, may be "willing to export nuclear weapons materials to terror groups who target the American people." Such hawkishness is quite bold for a Democrat, especially one considered to be of presidential timber, because the party's base is dominated by antiwar activists. On top of this, *Congressional Quarterly* recently released a study on members' voting patterns since President Bush took office. It found that Bayh backed Bush 79 percent of the time, the eighth highest among Democrats.

So with polls of Democratic primary voters consistently showing little support for taking out Saddam or the Bush agenda in general, Bayh was probably wise to opt out of the 2004 primary race. But his willingness to buck the party's establishment today could reap political dividends in 2008. If Democrats get trounced in 2004 while offering up a national security liberal like Vermont governor Howard Dean, Bayh would then be in a strong position in 2008 as he ran against, say, one of the other newly appointed members of the Senate Armed Services Committee, Hillary Rodham Clinton. ♦

Daniel McKivergan is a deputy director of the Project for the New American Century.

No More Jackpots

Tort reform triumphs in Mississippi.

BY KATHERINE MANGU-WARD

MISSISSIPPI, all too used to ranking last or near last among the states in everything from education to wealth to race relations, has just seen a black mark against it erased: It is no longer the "jackpot justice" state, notorious for huge jury awards to plaintiffs who sue corporations and doctors on a contingency fee basis.

In a remarkable 83-day special session ending on November 26, the Mississippi legislature rewrote the laws that had made the state so hospitable to big-award liability cases. Punitive damages were capped; awards for pain and suffering in medical malpractice cases were capped; and the lax venue rules that had allowed plaintiffs to shop for locales likely to produce sympathetic juries were swept away by the requirement that most cases be tried in the counties where the plaintiffs reside.

As late as the very eve of the special session, few anticipated this sweeping outcome. The issue, after all, had been around for years. Mississippi jury awards against tobacco, asbestos, and drug manufacturers were among the highest in the nation. And in 1994, state attorney general Michael Moore had put Mississippi on the map by filing landmark state litigation against the tobacco industry. Debate had long raged between conservative and business forces bent on tort reform and skeptics who debunked the "liability crisis" as PR and argued reforms would bar injured individuals from seeking redress.

In 2002, the reformers got some high-profile help from out of state. In May, with liability premiums rising and insurers fleeing Mississippi, the U.S. Chamber of Commerce actually warned companies against doing business in the state. It was the first time in its 90-year history the chamber had singled out a state for such treatment.

Local politicians took notice. Within a month, the legislature announced hearings on the civil justice system, and Governor Ronnie Musgrove, saying Mississippi needed "a good, fair playing field for business, industry, and our citizens," called for the special session. Local media kept the pressure on. Reporter Joey Bunch of the Biloxi *Sun Herald*, notably, stayed on the story, airing the arguments and testing the claims of both sides.

Then on August 7, President Bush weighed in. Addressing the Mississippians for Economic Progress, in Madison, he said the "lawsuit industry" was "devastating the practice of medicine" in Mississippi. Out-of-control awards hurt ordinary people, he stressed, not big business, by driving doctors out of the state and raising health insurance costs.

At the time, with the special session due to begin on September 5, Bush's audience still thought they were gearing up for an extended legislative fight, more like three years than three months. Governor Musgrove had said he would sign a tort reform bill only on condition he could first sign a prison reform bill not substantially different from one the legislature had rejected just weeks before. And there were other reasons to doubt Musgrove's zeal. According to the Jackson *Clarion-Ledger*, in the last election 43 percent of his campaign contributions had come from trial lawyers.

But in the end, leadership emerged from an unexpected quarter. Lieutenant Governor Amy Tuck, who presides over the senate, and who had not previously championed tort reform, threw her weight behind the issue, holding out for a substantial package of changes. The medical malpractice bill capping noneconomic damages at $500,000 was passed and signed by the governor in October.

Negotiations on liability reforms dragged on into late November. The logjam was finally broken on November 24, when the CBS program *60 Minutes* aired "Jackpot Justice," an exposé of the disorder in Mississippi's courts. In less than 48 hours, the senate passed the product liability package 43-6. The vote in the House was 108-12. The final compromise establishes a sliding scale of ceilings on punitive damage awards for product liability based on the net worth of defendants, up to a maximum of $20 million, with some exceptions. It also includes the venue reforms, curbs on frivolous lawsuits, and protections for retailers who sell defective products through no fault of their own.

The political fallout from all this has been striking. Lieutenant Governor Tuck left the Democratic party to join the Republicans at the beginning of December. Several Democratic senators went with her or are rumored to be considering the switch.

Will the reforms stand? Many of the votes in the special session were roll calls, and legislators' records are expected to be an issue in the upcoming state elections. This month's 45 percent to 90 percent increases in medical malpractice premiums for all doctors in the state demonstrate there's still work to do.

In a state with elected judges, judicial nullification of the new provisions of some concern. But Barbara Bruin, a lawyer active in the tort reform campaign, insists the courts are changing. She notes, "Mississippians elected pro-reform judges this fall."

Bruin continues, "As we speak, the legislature has reconvened. People are inspired by the momentum that was created in the special session and are anxious to continue to deal with the crisis facing the state." Trent Lott notwithstanding, it seems that Mississippi is finally doing something right. ♦

Katherine Mangu-Ward is an editorial assistant at THE WEEKLY STANDARD.

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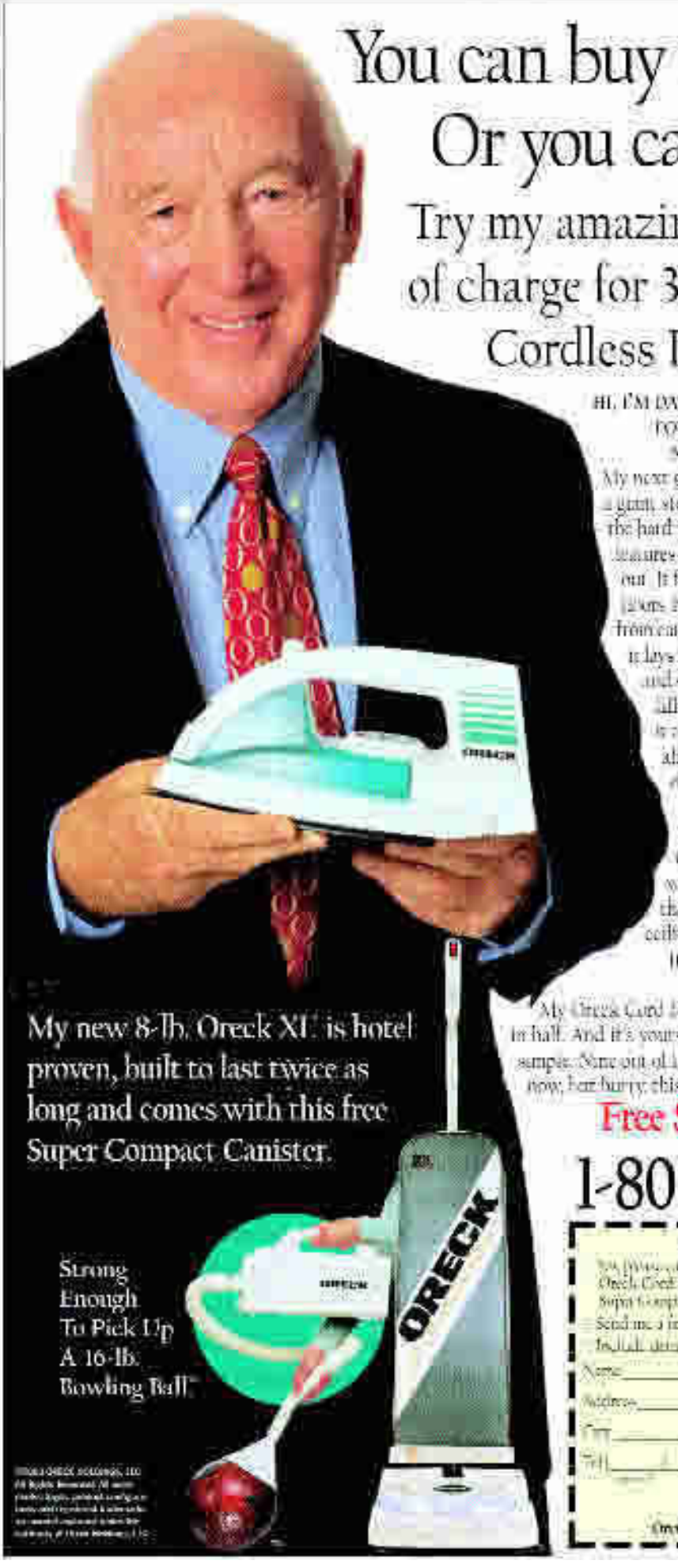

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Bill Frist's New South

The revenge of the patricians

By David Brooks

Nashville

People in Tennessee couldn't even agree which side to fight on in the Civil War, but today they are united around one proposition: Bill Frist is a wonderful guy. You meet diehard Democrats who think Bill Frist is a wonderful guy, alongside Confederate loyalists. Tobacco-spitting rednecks think Bill Frist is wonderful. So do liberal college professors, suburban rabbis, African-American preachers, society dames, and minivan moms. They really should put it on the license plate: "Tennessee—Home of Bill Frist, Who Is a Wonderful Guy."

They tell you stories. Aware that Bill Frist spent some summers on Nantucket, a school principal wrote him a letter asking what he should see on his upcoming visit. Senator Frist wrote back a 40-page letter describing the history and ecology of the island, and the sights that should not be missed. A weary mom was trying to lug some papers on an airplane. Frist noticed her plight and not only carried them on for her, he waited while the plane was unloading so he could carry them off for her as well. On one memorable day during a tour of Israel, Senator Frist stood on the spot where Jesus delivered the Sermon on the Mount and read the sermon to the tour group. He electrified them with his simple faith and devotion.

And this is not even to begin to recount the tales told by the heart patients whose lives Bill Frist has saved. An old acquaintance went on a local radio station and ventured some criticism of Dr. Frist. The next day he was snowed under with hostile mail from former Frist patients.

"Bill Frist is the finest political talent the Republican party has produced," says one veteran Democratic pol. "Bill Frist is the most capable man I have ever met," says a middle aged businessman. "There is still a mystique surrounding Bill Frist at Vanderbilt," says the university's chancellor, Gordon Gee. In a moderately long career of writing about politicians, I've never come across one whose character was so universally admired. I can't tell for sure whether this reflects Frist himself or the graciousness of Nashvillians, who say nice things about people with the same fervor that New Yorkers and journalists say the reverse.

Fortunately, I didn't come to Nashville to dig up dirt on the new majority leader. I came to investigate a cluster of questions. A few years ago, the Republican party was dominated by middle-class suburban and rural southerners like Newt Gingrich, Dick Armey, and Trent Lott. Now the Republican party is dominated by southerners of a different sort—a scion of the Bush family who went to Andover, Yale, and Harvard, and a scion of the Frist family who went to Montgomery Bell Academy, Princeton, and Harvard.

The former group fought the tough political battles of the 1970s and 80s, which Bush and Frist missed or avoided. After a few years in the hands of anti-government, middle-class strivers, is the GOP now in the hands of a modernized patrician class? How is Bill Frist's South different from Trent Lott's South? What are the cultural roots of the compassionate conservatism that Bush and Frist, among others, embody? What part of America produced the rising star Bill Frist?

At first glance, the answer to that last question is easy: the rich part. Bill Frist was raised in Belle Meade, the old-money suburb of Nashville and the fifth richest town in the United States. You drive down the roads and boulevards looking at the homes, which were built in the early part of the 20th century, and it looks like the Executive Mansion Hall of Fame. There are several houses that look like the White House (Al Gore lives in one). There are several that look like the sort of palazzo a Venetian prince might settle in to escape a foreign invasion. And there are a few châteaus a French

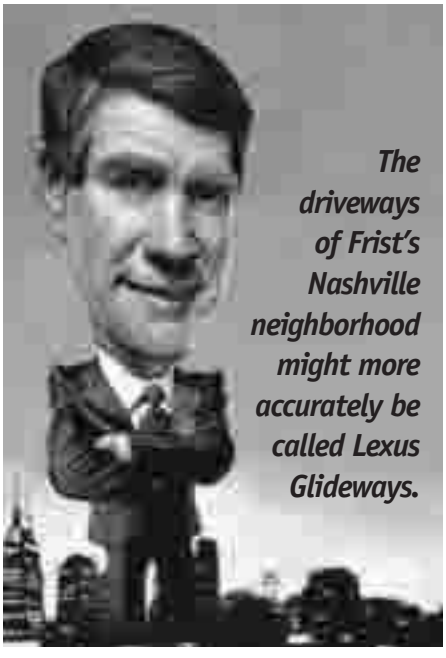
David Brooks is a senior editor at The Weekly Standard.

president might choose to inhabit on days when he was feeling particularly grand.

Although there are a few homes in the southern plantation style (including some modern-looking Tara ramblers), the dominant mode is more like Buckingham Palace, though less showy and arriviste.

But the houses are mere specks compared with the front yards, which stretch on forever. I began to measure the yards by what kind of golf club you would need to use from the street to send a ball through a front parlor window. Some of the homes have mere 3 iron yards, but many have 2 wood yards, and several have Tiger Woods-with-a-driver-and-the-wind-at-his-back yards.

Yards like these require boulevard-sized driveways. It's not even fair to call them driveways. They have so many graceful curves, guest parking areas, and scenic view pullouts near the topiary highlights it's more accurate to call them Multi-Time-Zone Lexus Glideways. You expect to see signs halfway up—"Last Gas Station Before House"—and of course few of these autoroutes are made from a surface as mundane as blacktop. Instead the residents of Belle Meade seem to prefer cobblestones or a mahogany-colored gravel that looks like it's been individually chiseled and distressed by ancient Burmese craftsmen. If Corian made driveways, the Belle Meaders would lap them up and it would look as if they had turnpike-width kitchen counters stretching up through their front gates.



The driveways of Frist's Nashville neighborhood might more accurately be called Lexus Glideways.

Not all that long ago, the old-money residents of Belle Meade dominated Nashville. Their institutions—the Belle Meade Country Club, the annual Swan Ball, the Vanderbilt University Board of Trust—were the city's power centers. From the 1960s through the early 1980s, a secret society called Watauga made many of the important decisions about city life. As it's since been described by Nashville journalist Bruce Dobie, Watauga comprised the CEOs of the town's banks and businesses, and a few selected others such as Jack Massey who built Kentucky Fried Chicken and then, with Bill's older brother Tommy, built the Hospital Corporation of America. They recruited mayoral candidates, gave them money, and organized the business community's efforts to recruit companies to the city and shape growth.

In most northern cities, the WASP aristocracy, if it exists, is basically irrelevant. New York and Philadelphia are no longer dominated by Episcopalian blue bloods with honking accents. But in Nashville the old Belle Meade elite is diminished but still cohesive and important. It is diminished because the old financial institutions have been bought up by national firms. Now health care is the booming sector in Nashville's economy, along with private prisons and music. No group like Watauga exists, nor could it.

But Bill Frist's neighborhood is not all that different from when he grew up there. The Belle Meade Country Club still has so many elitist connotations that politicians are wise to resign their memberships before running for office. The Swan Ball is still the highlight of the social season; even meetings to plan the event are listed in the local paper. Both of Tennessee's senators attend the neighborhood Presbyterian church. There's a local society magazine, *NFocus*, which every month carries party photos of members of the same families—Ingrams, Armisteads, and so on—at white tie galas and deb balls.

There is also still the community service ethos. What litigators are to billable hours, Belle Meade women are to charity. Every night, it seems, there is a profusion of charity balls, events, and fundraisers. There are events for AIDS sufferers, the homeless, ill children, and arts organizations beyond counting, which send great billowing gusts of noblesse oblige blowing through ballrooms, country clubs, and hotel conference rooms, leaving behind six-figure drifts.

Many mothers need to hire full-time nannies so as to free their hours for planning these events. Local school children collect pennies to give to the poor. As soon as Bill Frist's brother Tommy made the family fortune with HCA, he built a wildly successful arts center downtown. Nor does the neighborhood neglect political giving. Over the past two elections, more money has been donated to campaigns in Belle Meade and its adjoining zip code than in any other area of the country.

Most impressively, young Belle Meaders are still raised to be ladies and gentlemen—in this part of the country, the word gentleman still has a distinct meaning and is used unironically. The Frist family is not old money. Senator Frist's father, Thomas Frist Sr., came to Nashville as a good old-fashioned country doctor. He

soon became doctor to the governors and the Belle Meade elite, while remaining a traveling doctor for the rural poor. In 1997, when he was 89 and approaching death, he wrote a letter to his great-grandchildren summarizing his philosophy of life. It's a straightforward, simple creed that captures the character-building ethos of the area:

> I believe that religion is so very important. I was raised in the Presbyterian church in Meridian, Mississippi, and I never missed a Sunday from when I was three to when I was eighteen. . . . I say something nice to people when they deserve it. When they don't deserve it, I say something nice about other people, so they know how to act and they always smile. . . . Tell your children how great they are. Encourage them in everything they do. I never punished my children, never ever raised my voice with them. If they know you expect them to do right, they will do right. . . . I loved being a doctor because it meant helping people, being with patients every minute. All my sons were doctors. It's a great thing to be a doctor. . . . I believe the free enterprise system can do a better job at most things than the government can. People should learn to be self-reliant; when they are self-reliant, they will have self-respect. I believe good people beget good people. . . . I believe life is made up of peaks and valleys. But the thing to remember is that the curve is always going up. . . . Finally, it is so terribly important in life to stay humble.

Dr. Frist died a short time later and his wife died the night before his funeral. All of Dr. Frist's sons did become doctors, and all of his children are remarkably successful. In Nashville, Tom Frist is as well known as Bill is; he's less reserved and just as much admired. The senior Dr. Frist was the dominant influence on his son Bill's life.

Another important influence is Montgomery Bell Academy, the 136-year-old school where Belle Meaders send their boys to be educated. Comparable schools in the Northeast—Groton, Choate—went through progressive phases in the 1970s, but not MBA. The school is far more diverse than it was in Frist's day, and it has added a fine arts curriculum, but the ethos is the same. "Gentleman Scholar Athlete" is the omnipresent motto. In the hallway outside the headmaster's office there is a portrait of the Confederate hero Sam Davis, who gave his life rather than betray his friends. On the wall of the school's weight room, a sprawling room that would do credit to a Big Ten university, there is a quotation from John F. Kennedy that begins, "From those to whom much is given, much is required."

When you ask people around Nashville what it is like to go to MBA, you get a variation on: "They work their asses off." It's an academic and athletic powerhouse. Its debate team has a daunting national reputation. "Character is formed through those expectations," says headmaster Bradford Gioia. "We try to imbue students with a sense of humility," he is quick to add, so that they don't get too carried away with their own accomplishments, and understand that integrity and true civility are the highest virtues. Students stand when an adult enters the room.

The folks at MBA are characteristically understated about the man who is at present the school's most famous alum. Bill Frist was class of 1970. He was class president, a quarterback on the football team, editor of the yearbook, and a member of Totomoi, the elite honor society. He dated the school's head cheerleader (who attended the sister school). He was active in the Fellowship of Christian Athletes, the Forensic Club, the Service Club, the Photography Club. He won the math medal, the Outstanding Sophomore and Junior awards. His nicknames were "Mr. President," "Precious," and "Wilbur," and the saying he put under his yearbook photo was, "But I don't like to rest."

You look through the yearbook Frist edited (this is 1970, remember) for any sign that the sixties are happening—Woodstock, the peace movement, hippies. There is none. The yearbook looks like it was produced in 1962. In his introduction to the annual, Frist does pause to wonder whether it might have been better if he had been "allowed to make more of my own decisions while at MBA." He notes, "My friends at other schools are never reminded to get their hair cut." But he concludes the school is right to be the way it is: "MBA is not like other schools; it doesn't want to be. MBA is on a Hill. Its ideals are to produce the combined gentleman scholar athlete. And it does that."

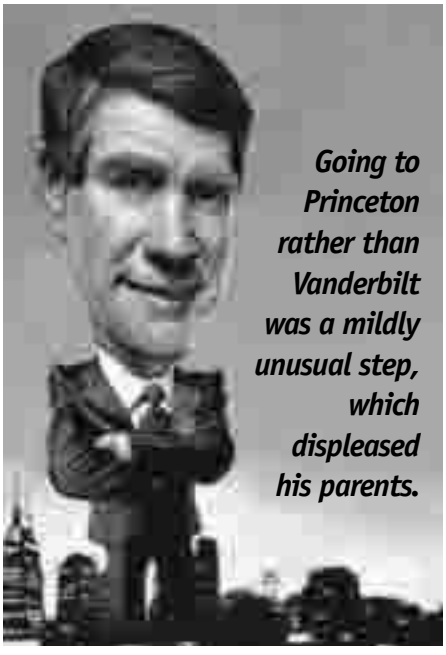
What Bill Frist would have gotten from Belle Meade and MBA is an unspoken sense that he was born to the leadership class. He would have been taught gentlemanly behavior and gracious manners.

He also would have imbibed an aristocratic service ethic, both from his community and from his father, who writes about being a doctor as of a holy calling. Finally, and this is a bit unusual in privileged communities, he would have been instructed, both by his neighbors and by his family, in the need to work and strive.

In *Transplant*, his 1990 book about his early days as a surgeon, Frist recalled that his mother "worked hard to protect my sense of self-worth. If Woodmont Grammar school conducted a paper drive, she motored me about afternoon after afternoon, making sure I collected more newspapers than anyone else." (How many middle-class Americans use the word "motored" as a verb?) Frist's mother made sure he sold more raffle tickets, got better

grades. "She wanted me never to know humiliation, never to suffer defeat, never to feel self-doubt. . . . Not surprisingly, with the family emphasis on self-worth, I longed to be first in everything, to be king of the hill, the grammar school capo di capo. I imagine I was quite insufferable."

Frist continues, "Local rich kids, scions of socially prominent families, have few crosses to bear in life, but one of them is that they can never fail, not really, not the way others can." So Frist had to work extra hard to prove his merit. Going to Princeton rather than Vanderbilt was a mildly unusual step, which displeased his parents. His career at Princeton mirrored his career at MBA. "Later, I would worry I had spread myself too thin," he would write, "cheated myself of a more emotionally fulfilling college career. At the time, only the ticking off of accomplishments seemed to matter."



Going to Princeton rather than Vanderbilt was a mildly unusual step, which displeased his parents.

Medical school made matters worse. It stripped human beings, he later realized, "of everything but the raw, almost insane ambition you must have simply to get through." His diaries from his med school years were filled with minute calculations of how long he could afford to sleep and still master his studies. It was during that period that he adopted pets from animal shelters and then killed them so he could experiment on their hearts. "In short," he writes, "I was going a little crazy."

He was also having some troubles with his love life. "Imagining myself as a leader, a Ulysses out on his travels to conquer the world, I possibly wanted a Penelope back home waiting for me and managing the home I so treasured," he wrote in *Transplant*. For ten years he had been dating a Nashville girl, Katie, assuming that marriage was at the end of the road. While Frist was finishing his medical training in Boston, they did get engaged, and were to return to Nashville for the ceremony. But a few weeks before the wedding he met a woman from West Texas, Karyn, and they had a dinner and a night together.

Two days before the wedding, Frist flew back to Nashville from Massachusetts General, where he was doing his internship. He called off his marriage to Katie. "Everyone listened carefully to what I said, all the lame explanations I had that were and were not the truth," he wrote, "and they nodded and dealt with it and I went on my way." Think of that: two days before a Belle Meade wedding. You can imagine the string of parties that would have been planned, the cascades of gifts that would have been bought. You can imagine the social uproar Frist's decision must have caused.

You don't call off a wedding to a woman you've known for ten years in circumstances like that unless you have a steely determination, to say the least, at the core of your being. And as Frist notes in his book, despite all the trauma, he "did not miss a minute of work at Mass General."

The problem for a person born into this culture is obvious. Raised in such rarefied air, how to talk to normal people? How can Bill Frist possibly relate to rural rednecks, urban blacks, or even middle-class suburbanites? His background is nothing like theirs.

Some in Nashville say that being a doctor helps. The people he treats come from all walks of life. But that doesn't explain much. In your experience with normal doctors, let alone superstar transplant surgeons, would you say that their life paths have bred in them a simple egalitarian ethos? Of course not. Many doctors, and especially the surgical superstars, see themselves as inhabiting a Mount Olympus of the mind. And yet Bill Frist obviously does relate to people. Like Bush, he does not alienate or cast himself as superior to normal, middle-class Americans. Frist was reelected to the Senate with a wider margin than any other candidate for statewide election in recent Tennessee history, which, given some of the senators the state has produced, is saying something.

Moreover, he has been elected majority leader by his fellow Republican senators, a group not known for their deference to upper-class toffs.

Tennessee may have something to do with it.

If you went into a lab and tried to create a state that would be perfectly suited for producing successful national politicians, you would create Tennessee. It is southern, which is important because the South is both the largest and the fastest growing region of the country. But it is not too southern. It is rich, and has that huge fundraising base, but it is not culturally elitist, like New York and California. Most important, it is heterodox. If you are going to live in Tennessee and thrive there, you cannot live in an insular cultural enclave, the way Trent

Lott can in Mississippi, or the way Nancy Pelosi can in the Bay Area. In Tennessee you have to travel to the eastern part of the state, where they supported the Union, you have to travel to the western part, where they supported the Confederacy, and you have to travel to West Nashville, where they support Cadillac dealerships. If you travel and campaign throughout Tennessee, you are apt to acquire an instinctive feel for how different types of people think and react.

Start with Nashville. The city is hard to figure out because, though it isn't very big, it exists on many different planes. Beyond the Belle Meade elite, there are the music people, who live in the exurbs or in rural mansions. When Bill Frist was growing up, he would not necessarily have had any contact with the country music community, who would have been regarded as rednecks. Even today, when the music industry is just another successful business sector, the visitor is surprised to find that country music has a relatively low profile in Nashville. Country music doesn't dominate the radio dial. It doesn't color local conversation the way the movies color chatter in Los Angeles. As Lamar Alexander, a successful governor and newly elected senator, notes, "Country music still sits uncomfortably in Nashville, like McDonald's in Japan."

Then, outside of Nashville, there are collar counties, such as Williamson County, with McMansions, megachurches, G. Gordon Liddy fans, and new money. These fast-growing places are extremely Republican, anti-tax and anti-government, and are looked upon with bewilderment and suspicion by many people in Bill Frist's neighborhood. There are also the religious elites. Nashville is home to several denominations, including the conservative Church of Christ. The city hosts the largest publisher of Bibles in the world.

Then of course there are less affluent areas, in East Nashville, in the African-American neighborhoods and elsewhere. I received an e-mail from someone who works in Belle Meade serving the elite. Speaking from a working-class perspective, he is offended by the Versailles-like grandeur of Tommy Frist's new house, which is reputed to be over 40,000 square feet—eight times the size of your normal obscenely large McMansion—and is appraised at over $20 million. He rails against the Belle Meade Country Club, "which, I believe, actually has one black member, but he lives in Birmingham, and has the decency to never show up. This club is so (I shudder to use the word) liberal, it even has a couple of Jewish members." He is offended by the size of the trust funds passed down to the children of Belle Meade, while people in his town, a few miles away, lose their jobs when local plants move to Mexico.

Plainly, Tennessee is a state, as the travel writers say, of contrasts. Lamar Alexander grew up in East Tennessee. His ancestors fought for the Union in the Civil War. While campaigning, he walked across the state, and he "could almost feel the air change," he wrote, as he crossed from east to west. Upscale political candidates tend to adopt not-too-subtle cultural signifiers to prove their solidarity with the good ol' boys. Former Senator Fred Thompson drove a pick-up truck while campaigning. Alexander wore that red plaid shirt. Frist wore an American flag tie constantly during his first campaign.

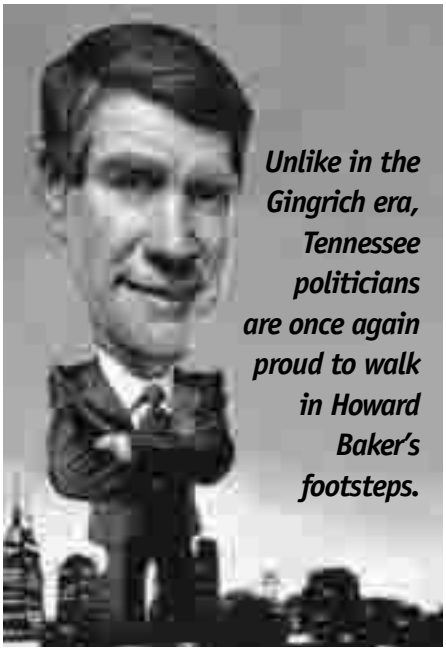
If you want to start an argument, ask Tennesseans whether their state is more like Mississippi or Illinois. In the Vanderbilt triangle, with its huge influx of New Yorkers and Californians, people tend to say Illinois. If you live in Nashville, your mayor, congressman, governor, and both senators all went to Ivy League or other northeastern universities. If you ask people there to list the features that form the state's identity, the fact that it is part of the South comes far down the list.

In other parts of the state, the verdict is more mixed. "Of course it's the South," says Lamar Alexander. "We go to church, hunt, and fish. We have certain views on abortion. We're suspicious of federal intervention into our lives. We're against people who make fun of religion or who deprecate the values of rural life. We're suspicious of people who talk too fast and who aren't neighborly." At the same time Alexander, like everyone else I spoke to, distinguishes between Tennessee and the Deep South. I must have heard it a hundred times: The things Trent Lott said would never have come from the mouth of a Tennessee politician. "There's none of that chip-on-your-shoulder inferiority complex," says John Egerton, the author of *The Americanization of Dixie* and many other books. "We're pretty reasonable."

Nathan Bedford Forrest Shoaf, an investment banker and former Army Ranger and congressional candidate, was one of the more colorfully southern and perceptive people I met down here. An avid student of the Civil War, he points out that the state of Tennessee contributed more troops to the Confederacy than any other state and that the ground Bill Frist grew up on would have been trod by soldiers during the battle of Nashville. He believes the South is permanently distinguished by its experience of defeat in that war. But he does not believe that Confederate flags should fly on public property, and he points out that someone like Bill Frist would have grown up entirely without Confederate consciousness.

Instead Tennessee has a moderate political tradition that included Estes Kefauver, Al Gore Sr., Howard Baker, and Jim Sasser. Because of its ties to the Union cause,

the Republican party in Tennessee is older and better established than the Republican party in other southern states. During the furious period of the civil rights struggles, Kefauver and Gore didn't sign the Southern Manifesto. The Tennessee GOP was less powerfully influenced by Pat Robertson's 1988 presidential campaign and the rallying of Christian conservatives than other parties in the South. And though Tennessee politicians might have hidden the fact at the height of the Gingrich/Armey era, now they are once again proud to walk in Howard Baker's footsteps. "We're all out of that tradition," Alexander says of himself, Frist, and Fred Thompson. Baker was one of the first people Frist called when considering a run for the majority leader's job, and Baker appeared with him on his first day in office.



Unlike in the Gingrich era, Tennessee politicians are once again proud to walk in Howard Baker's footsteps.

Exactly what the guiding principles of that Tennessee brand of politics are is harder to say. Part of it is simply being gracious and non-confrontational. "I understand and appreciate what Newt did, but I'm a lot more comfortable with Bush's presentation," says Lamar Alexander. Part of it is seeing oneself as a fixer and a doer, rather than an arguer and a point-maker. "I've been put off by people who say 'I'm a better conservative than you are,'" he continues. "I believe in the restraint of government, but I'm going to fix the schools at home. I'm going to fix things. . . . Some conservatives start with being pro-life and pro-gun and anti-homosexual. I'm with them on those things but I don't start there. I'm going to start with education and clean water and creating new jobs. That's a different emphasis."

One of the refrains you hear from transplanted northerners and westerners is that discussion in Tennessee is more open. Gordon Gee, the Vanderbilt chancellor, observes that on Vanderbilt's campus it is not necessary to subscribe to the rigid "political catechism" one finds at most northeastern schools. The city's outstanding alternative weekly, the *Nashville Scene*, is not cut from the same multicultural / futon ad / knee-jerk left political and cultural cloth as just about every other alternative weekly in the country.

As you struggle to understand Frist and his upper-class Tennessee roots, you are forced to wrestle with paradoxes. He does have an aristocratic background, yet right now that background and the soft-spoken caution it implies seem more in tune with the middle-class public than the more radical aspirations of the Gingrich revolutionaries. He is relentlessly ambitious, yet he is also a sincere do-gooder. He is a meritocratic striver, yet he also has a service mentality that transcends narrow self-interest. He has an ego, but he also performs unpublicized acts of charity. He is a member of genteel society, but he is not cowardly—or obsessed with the opinions of the parlor set, as the crack-up of his near-marriage proves. He is political, but for much of his life had no interest in anything but medicine and still defines himself as a doctor first.

The Tennessee Republican party is conservative, but it has the sort of pragmatic and establishmentarian leanings that alarm many conservatives. It is southern, but it is not parochial. It is hard to pin down ideologically, yet it is easy to define temperamentally. It is moderate, low-volume, compassionate. It represents the upper crust, but somehow it doesn't seem snobbish. "People don't engage in class arrogance here," says Gordon Gee, who headed Ohio State and Brown before coming to Vanderbilt. "I see that class arrogance more in the North than in the South. There people limit who they will meet, and there are always the questions, Where did you go to school, and What do you do? There's not a lot of giving out your résumé down here."

Bill Frist has term-limited himself and is scheduled to leave the Senate in 2006. It's hard to see him breaking that pledge. It would violate his sense of rectitude, and so damage any dreams he might have of being president someday. The more likely route is that he would leave the Senate in 2006 and begin campaigning for the White House in 2008. Some of his intimates believe he feels himself predestined for the job.

If he won in 2008, we might have one southern patrician succeeding another in the White House. Some of us thought we'd had a cultural revolution in this country that had destroyed the WASP establishment. But maybe that was only in the North. Maybe the cultural revolution of the 1960s was a temporary phenomenon, and it's the country club Republicans of the New South, with all their virtues and sins, who will have the last laugh. ♦

Total Misrepresentation

There's a compelling case to be made for the Pentagon's Total Information Awareness program.

By Heather Mac Donald

Every week brings new evidence of al Qaeda's continuing plots against the United States and the West. Yet the 108th Congress may well shut down one of the most promising efforts to preempt future attacks, thanks to a media misinformation blitz playing to Americans' outsized Big Brother paranoia.

The Pentagon's prestigious research unit, the same Defense Advanced Research Projects Agency that helped invent the Internet, is exploring whether computers could detect terrorist planning activity by searching government and commercial databases across the globe. The program, dubbed Total Information Awareness (TIA), embodies the recognition that before an attack can take place, certain critical activities—casing targets, rehearsing, and procuring financing, supplies, and weapons—must occur, and that those activities will leave computer signatures. Had even a simple data-mining program been in place before 9/11, a majority of the hijackers could have been identified. Remember that two of the 9/11 hijackers were already on a State Department watch list. When Khalid Almidhar and Nawaq Alhazmi bought their tickets on American Airlines Flight 77 in August, a search for people sharing addresses and frequent flier numbers with these al Qaeda operatives, as well as of their telephone contacts, would have uncovered over half the plotters.

In early November, both the *Washington Post* and the *New York Times* reported on the Total Information Awareness project without causing a ripple of concern. Then on November 14, *New York Times* pundit William Safire let fly with a column entitled "You Are a Suspect." He declared that "in the next few weeks," the government would compile a computer dossier on "every public and every private act of every American" unless TIA were stopped.

The media world uncorked the champagne bottles. Stories about the imminent advent of Big Brother rolled non-stop across television screens and newspaper editorial pages. In a typically garbled outburst of zeal, law professor Jonathan Turley wrote in the *Los Angeles Times*: "Long thought dead, it now appears that Orwell is busy at work in the darkest recesses of the Bush administration and its new Information Awareness Office." Politicians rushed to express their dismay and promised to defund this new Bush initiative to strip Americans of their freedom.

To call the Safire column and its progeny caricatures of the Pentagon project is too charitable. Their disconnection from reality was total. The notion that the program would result in "computer dossiers on 300 million Americans," as Safire exclaimed and dozens of editorialists echoed, is pure fiction.

The TIA researchers are attempting something enormously difficult. They are trying to teach computers to read databases in every language from Chinese to Arabic, in order to recognize suspicious patterns of activity in the billions of transactions that occur across the world daily. Compiling dossiers on every American never enters the picture. The program—which is still at the idea stage, and years, not "weeks," from realization—would start by mapping the personal networks of known terrorists and suspects, a traditional investigative technique merely given more juice by massive computing power. If John Doe placed several calls to Mohamed Atta before 9/11, that information would most certainly be stored for future reference, and any other of Mr. Doe's transactions with Islamic radicals would be flagged. His neighbor's purchase of golf clubs with a Visa card, on the other hand, would be invisible to the TIA computers.

Also left out of the nightmare scenarios are the numer-

Heather Mac Donald is a contributing editor at the Manhattan Institute's City Journal *and the author of* Are Cops Racist? How the War Against the Police Harms Black Americans *(Ivan R. Dee, 2003).*

ous privacy protections being built into TIA. The program would sever names and other personal information from transactions. An analyst could query, for example, whether anyone had bought unusually large quantities of bomb-making chemicals and rented a large truck recently. The program might say yes, such a pattern had occurred, but it would not reveal the names of the people pursuing it unless the disclosure were approved by a judge or other legal authority. Like criminal investigators, analysts using TIA would be given access to private data only if their case for seeking it met certain legal standards. The program would also contain audit mechanisms automatically tracing where data are sent and who has seen them. Oversight would be built into the system. Policymakers should of course provide for criminal penalties for any abuses.

Equally specious has been the critics' personalizing of TIA as the devilish ambition of its director, Admiral John Poindexter. Poindexter was President Reagan's national security adviser and a lead player in the Iran-contra scandal. Safire claims that "Poindexter is now realizing his 20-year dream: getting the data mining power to snoop on every public and private act of every American." Safire doesn't reveal how he knows what Poindexter has been dreaming for the last 20 years. Every privacy paranoiac has milked Poindexter's involvement in Iran-contra for all it's worth, and indeed, the Bush administration should have foreseen the ad hominem potential of his appointment. But the critics' charge that TIA represents Poindexter's personal desire to "monitor every aspect of your life," in the words of the *Atlanta Journal-Constitution*, is absurd. Should the technology prove feasible, Pentagon researchers would deliver it to law enforcement agencies like the FBI and the CIA to operate; Poindexter would have nothing to do with its implementation.

The reaction to TIA is a textbook case of privacy hysteria. The Bush administration had better learn how to counter such outbreaks, for they will resurface with every new initiative to improve the country's intelligence capacity. They follow a predictable script:

* **Barely mention the motivation for the initiative, if at all.** Safire, like several of his followers, writes an entire column on TIA without once referring to terrorism or the 9/11 strikes.

* **Never, ever suggest an alternative.** Islamic terrorists wear no uniforms, carry no particular passport, and live inconspicuously among the target population for years. Many, sometimes all, of the steps leading up to an attack are legal; they become suspicious only when combined in a particular way in a particular context. TIA's critics adamantly oppose using data mining to detect suspicious patterns of activity in civilian populations, but they never propose an alternative method to find the terrorist enemy before he strikes.

Remember the outcry after 9/11 over the intelligence community's failure to "connect the dots"? TIA is nothing other than a connect-the-dots tool, with a global scope that individual analysts cannot hope to match. Do its detractors simply hope that as the next attack nears, the same intelligence analysts who failed us last time, using the same inadequate tools, will get it right this time? They do not say.

* **Assume the worst; ignore the best.** The *Kansas City Star* editorializes that if TIA proceeds, "Uncle Sam could end up listening to your phone conversations, reading your e-mail and monitoring your shopping trips." Well, yes, if defense intelligence analysts lose interest in al Qaeda and develop so strong a fascination with the quotidian affairs of John Q. Public that they are willing to risk their careers to abuse the system, that could happen. But the lawful use of TIA could also stop a smallpox release at Disneyland. TIA would allow investigators to identify, say, visa holders from terror-associated countries who had spent more than a month in Afghanistan during Taliban days and who also shared addresses, phone numbers, or credit cards; it could spot airline ticket holders who had telephoned people on terror watch lists over the past year; and it could determine which visa applicants had traveled to certain cities contemporaneously with terrorist activity.

* **Use a privacy balancing test when pursuing your own interests, but demand privacy absolutism regarding the public good.** Americans are credit card junkies, cell phone aficionados, ATM devotees, and Internet shoppers. All of these consumer conveniences transfer vast swaths of personal information to corporations, which then often sell it for additional profit. Americans happily balance the privacy risk of electronic communications against the concomitant increase in personal ease, and often decide that convenience trumps privacy. But let the government propose to protect the public good by using data that Americans have freely provided to companies, and the citizenry become privacy dogmatists. No matter how many lives might be saved if the government could analyze nameless bytes of data for signs of deadly transactions, one's own alleged right not to have a government computer scan a database containing one's Christmas purchases is more important.

* **Never specify to what exactly in the proposed program you object.** Every element of TIA is now legal and already in effect. The government already has access to private databases for investigatory purposes, but searching them is extremely cumbersome for lack of decent soft-

ware. Likewise, the government can legally search its own computers, but that capacity, too, is constrained by primitive technology. TIA's enemies have not called for ending intelligence access to private or public databases, so their gripe ultimately boils down to the possibility that the government might do what it is already doing more efficiently. The rule appears to be of Luddite origin: The terrorists can expertly exploit our technology against us, but we must fight back with outdated, inadequate tools.

*** Confuse cause and effect.** TIA critics warn of impending totalitarianism should the research continue. A syndicated columnist for the *Orlando Sentinel* announced that the country was being "Stalinized." But totalitarian states do not arise because they marginally increase their access to personal data, they arise when social order is collapsing, as Amitai Etzioni has pointed out. The chance that the U.S. government will become a police state because it is better able to analyze private transactions for signs of terrorism is virtually nil; the chance would be greater, however, if the country were to experience a series of devastating attacks and confidence in the government's ability to protect the public safety were to evaporate.

The Pentagon's data mining project could easily go down in the next few months. A mongrel coalition of advocacy groups, ranging from the Free Congress Foundation and Grover Norquist's Americans for Tax Reform on the right to the ACLU on the left, has made the defeat of TIA its top priority for the year. Last year a similar effort killed off TIPS—a Justice Department proposal for reporting possible terrorist activity. Senator Ron Wyden introduced an amendment last week to defund TIA until Congress reviews it; other senators planning similar legislation include Dianne Feinstein, Daniel Inouye, and Russell Feingold. And the coalition of critics is pressuring a range of congressional committees to pull the plug. Should they succeed, Americans will be deprived of an essential tool to stop terrorist plots before they climax, even as al Qaeda's operatives are busily logging on and designing their next evil deed. ♦

The Student Visa Loophole

Pretending to be a student is still an easy way for a terrorist to enter the country.

By Margaret Orchowski

In the wake of the September 11 attacks, Congress passed and the president signed several laws tightening procedures for tracking the more than half a million foreign students in the United States. Two of the September 11 hijackers had entered the country on student visas; and of the 48 foreigners convicted of terrorist acts on American soil since the first World Trade Center attack in 1993, 8 had held student visas. Suddenly Congress was willing to address the fact that American colleges and trade schools have become to the educated migrant what the southern border is to the uneducated one—a huge sieve for unintended immigration and the easiest way for foreign terrorists to enter and remain in the United States.

The new laws as they affect entering foreign students are supposed to be fully implemented by January 30, 2003. For various reasons, they won't be. What's more, even when fully implemented, the new provisions will not address the most common abuse: They will not solve the problem of tracking foreign "students" who are not studying—who never show up to register, who withdraw from their courses, or who graduate from school but stay in the country. As a result, well over a year after our national wakeup call, and despite closer scrutiny of visa applications by U.S. consulates in certain countries, it remains astonishingly easy to enter the United States as a foreign student and stay with impunity.

To obtain a foreign student visa, all a foreign national has to do is be admitted full-time to a college or vocational school in the United States and offer some proof of financial self-support. Some apply from abroad; others enter the United States on tourist visas and then apply, usually to community colleges and trade schools. These institutions have minimal entrance requirements, and they eagerly recruit foreign students. Once an educational institution admits a student, the school itself issues the INS forms and works with the student to secure the appropriate I-20 student permit (F-1, M-1, or J-1), depending on the type and length of study.

Originally the foreign student visa was conceived as a temporary, nonimmigrant permit, time-limited for the duration of a study program plus a related work experience. When the permit was instituted after World War II, the goal was to educate bright young students from war-torn and developing countries. It was assumed that when they returned home after their studies, they would provide leadership and brains for their countries, and would introduce American-style civic attitudes as well. To a great degree, it worked. Many of the world's pro-democracy leaders have ties to the United States because they studied here.

But today, the education of foreign students has become big business. Thousands of universities, colleges, community colleges, and trade schools host foreigners, who sometimes make up a significant share of the student body. One of the highest overall percentages of foreigners is at Columbia University, where 17.6 percent of the students were foreigners in 2001. Foreign students are particularly numerous in engineering and graduate divisions. At the University of California at Santa Barbara, for example, foreigners make up 5 percent of students overall, but 22 percent in the graduate division and 52 percent in engineering. Similarly, at the University of Virginia, foreigners make up 5 percent overall, 20 percent of graduate students, and 51 percent of engineering students. And at some trade schools—notably those that teach English as a foreign language, the largest single category—the breakdown is even more lopsided.

There is no limit to the number of foreign students a school can accept. This is handy, since many schools increasingly depend on foreign students for their rev-

Margaret Orchowski is writing a book about foreign students in the United States.

enue—especially struggling public institutions, where foreigners pay the higher out-of-state tuition. Again, to take Santa Barbara and Virginia as illustrative, their in-state tuition and fees were $3,853 and $4,980 a year respectively in 2002, while their out-of-state and foreign students paid $16,232 and $20,190.

In the 2001-02 academic year, 583,000 foreigners were studying at some 3,500 accredited U.S. colleges and universities, according to the Institute of International Education (IIE), a 6.4 percent increase over the previous year. No one knows how many foreigners are enrolled at the trade schools authorized to issue I-20 permits. These institutions include not only the infamous flight schools and the language schools just mentioned, but also business colleges and training institutions for trades like haircutting and bartending. Even the number of such schools is unknown. The U.S. Immigration and Naturalization Service lists a staggering 74,000, but this figure is clearly inflated. In March 2002, reporters for the *Chicago Tribune* tried to track down some 30 schools the INS had authorized to accept foreign students within a few blocks of the *Tribune*'s offices. Only one of the schools could be found at the listed address. The others were empty lots or storefronts, or were thought to have closed over ten years ago, or perhaps had never existed.

The INS is aware that its lists are outdated. Under the new law, the INS must verify the eligibility of every educational institution that issues I-20 visas; teams of investigators under contract with the INS will examine each school's curriculum. As a result, the number of authorized schools is expected to drop. Says Christopher Bentley, INS student visa spokesman, "We expect that in the future, the total number of institutions approved by the INS to issue the I-20 foreign student permit will be about 8,000."

No matter where they study or for how long, foreign students are technically required to go home after they graduate or withdraw from school. But few do. Most, in fact, come to the United States in the first place hoping to stay. Under the foreign student permit, they are allowed to work legally for a year (sometimes more, depending on the field and the work they find) after each degree or course of study, at a job that qualifies as "practical training." Those who take the maximum amount of time—who complete a non-degree program or two, then get a series of degrees, working after each one for the maximum permitted time plus extensions (which most foreign student advisers generously grant)—can legally stay in the United States on a foreign student permit for decades.

No one knows how many foreign students overstay their visas. "My gut feeling is 50 percent," said one foreign student adviser when pressed; some estimates are far higher. Staying in the United States and working is very much encouraged by many of the students' countries of origin, especially developing countries. "Brain drain? Oh that's not a problem," says Ambassador Lalit Mansingh of India (the largest exporter of students to the United States, whose numbers shot up 22 percent in 2001, surpassing the previous leader, China). "We have plenty of students in India to replace those who come here. And we depend on our students here for the money and the knowledge they send back."

Happily for the overstayers, of all the countries hosting foreign students, the United States is the most lax about tracking them and imposing any penalty on employers who hire them illegally. From time to time, Congress has tried to address the abuses. In 1996, it created a pilot program for the collection of basic information about foreign students, but this met strong resistance from colleges and universities. Foreign student administrators and advisers insisted: We are not policemen. We represent the foreign student, not the INS.

Things finally started to change after September 11. In April 2002, the INS announced a significant tightening of the rules: Foreign tourist visas, previously issued for up to six months, would be limited to 30 days and could no longer be exchanged for student visas. And the new automated system for tracking foreign students was enacted. Briefly, this Student and Exchange Visitors Information System (SEVIS) provides that (1) U.S. consular officials in the student's country of origin will record electronically the school the student is to attend, (2) border officials will record electronically the student's entry into the United States and send that information electronically to the school, and (3) colleges will collect and share computerized data on their new foreign students with the INS and the State Department by January 30, 2003, all students by August 1, 2003. The information to be shared is basic: essentially, name, address on campus, program of study, date of intended graduation, change of address while registered, date of termination.

This information was not previously computerized, which is one reason few colleges expect to make the SEVIS deadline of January 30, according to the American Council of Education. And even if they did, the system could not function properly because the INS's new SEVIS computers are not compatible with the new computers of the U.S. Consular Service abroad, say sources at the council and the INS. Furthermore, both the INS (which oversees visas for trade schools) and the Consular Service (part of the State Department, and charged with interviewing all foreign nationals abroad who have been admitted to American colleges and universities) are in transition. The Homeland Security Act of 2002 broke the INS into two,

L.A. Times Photo

No one has kept track of foreign students enrolled in trade schools like Huffman flight school, where Mohamed Atta trained.

the Bureau of Border Security and the Bureau of Citizenship and Immigration Services. And the directors of the INS and the Consular Service both resigned in 2002 and have yet to be replaced.

But the really discouraging news is that even if all these temporary obstacles were overcome and SEVIS were fully up and running, it would not provide for the tracking of overstayers, the "students" who are not in school. It does not require either the student or the school to verify periodically the student's whereabouts and enrollment or employment.

This could be required—if there were the national will to do so. The educational institutions that benefit so handsomely from foreign students could be compelled, like it or not, to keep track of their students as long as they are in this country on permits arranged by the institutions. College development and alumni offices have the databases and proven skills to track down alumni when it suits their fundraising purposes: Why not insist that they apply those skills to finding overstayers? An idea proposed in Congress last year that might spur cooperation is to require foreign students to post a return security bond before they leave home. If they failed to leave the United States after their studies, the host college could be required to cooperate with U.S. bail bondsmen to track them down. And there is the option of punishing employers who hire undocumented workers and otherwise giving the INS the resources to enforce the requirement that foreign students leave after finishing their studies. If former students want to return to the United States to live and work, they can apply for immigration visas from their homelands like everyone else.

In the age of the computer, the mechanics of finding people whose visas have expired ought to be relatively straightforward. Harder to come by is the will to enforce our immigration laws. Although good government demands that the law not be systematically flouted—that our laws not be allowed to diverge sharply from realities on the ground—this is precisely what has come to pass with regard to foreign students' presence in the United States.

Whatever you call them—overstayers, out-of-status visa holders, undocumented residents—these foreign-student-visa holders who are no longer studying are in this country illegally. One way or another, for the integrity of our institutions as well as for our national security, the laws and the reality need to be brought into alignment. That means either providing a way to convert a foreign student visa into a permanent immigration visa, or making clear to all foreign students that their permits are good for the duration of their studies, after which they will be required to go home. ♦

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Planned Un-Parenthood

Roe *v.* Wade *at thirty*

By David Tell

In the promotional material for *Behind Every Choice Is a Story*—Planned Parenthood president Gloria Feldt's contribution to the flurry of books marking the thirtieth anniversary of *Roe* v. *Wade*—the publishers include a brief marketing advisory for booksellers and reviewers. Which is the customary thing to do, only theirs isn't the customary way to do it. "Although the primary audience for this book is women who support reproductive freedom," the press release reads, "a wide audience including men and teens" will also find it "compelling."

What seems peculiar here, both as an advertising technique and a matter of elementary arithmetic, is that rather downbeat "although" construction, implying as it does that Feldt's natural constituency, "women who support reproductive freedom," may not be all that "wide" a presence across the land. The public-opinion research appears to say otherwise, after all: Year after year, a formidable majority of the nation's adult female population consistently affirms its conviction that there are some cases, at least, in which a mother's desire to terminate her pregnancy should confront no serious legal obstacle. Are the surveys wrong? What might Gloria Feldt's publicists have figured out that everyone else has missed?

Perhaps it's just that they've read her book and have been brought up short by the fingernails-on-blackboard dogmatism of her approach to abortion's ethical complexities. Come to think of it, there are no such complexities in *Behind Every Choice Is a Story*; its author is not exactly the shades-of-gray type. During the three decades since *Roe* was decided, American women have made more than forty million constitutionally protected "childbearing decisions" of the Planned Parenthood variety, many of them with Planned Parenthood's direct surgical assistance, and still that organization's CEO has yet to see a single abortion whose rationale or methodology merits the slightest expression of moral unease. She rates a "perfect ten" on the digestive-system scale of reproductive freedom, Feldt boasts: She can stomach them all. And you *need* to stomach them all, because—and Feldt writes as if anyone capable of reading her book will consider this a given—"the hot-button abortion issue isn't about abortion, really." It's about the "nature and purpose of human sexuality" and suchlike cosmic stuff. Abortion, *mutatis mutandis*, is essential to life itself, a comprehensive "worldview" all its own.

It could be her publicists are right not to expect too much business. No doubt, in the postmodern nowadays, there's a like-minded "primary audience" for almost anything, even for Gloria Feldt. The *New York Times* editorial page is proof of that. No doubt, too, certain people who stand aloof from Feldt's sandwich-board "worldview" will nevertheless find it weirdly "compelling," as intense enthusiasms often are. Still, rich as we might be in so many other wondrous respects, America's strategic reserves of partisanship and irony can hardly be sufficient to secure bestseller status for a book that locates the very

David Tell is opinion editor of The Weekly Standard.

Meaning of Existence in unregulated access to outpatient suction and curettage procedures. Surely this isn't what your average suburban soccer mom has in mind when the Gallup man asks for her take on *Roe* and she offers up the phrase "pro-choice."

But then, your average suburban soccer mom is basically an idiot anyhow, isn't she? She's probably never even learned what an orgasm is. "Few of us grow up knowing that sexuality is a healthy, normal part of human life that greatly enriches our lives," Feldt notes. "I weep for the millions of adults for whom, as a result, sex becomes identified with shame, guilt, and embarrassment."

Lest you think she's exaggerating here, please be aware that she has made a systematic study of the matter—collecting, for the pages of *Behind Every Choice Is a Story*, autobiographical reflections on "personal reproductive lifecycle issues" from countless ordinary American women. Take, for instance, this moving testimony by Kathleen Turner, a working mother in New York City: "Judging from the brouhaha occasioned by my twenty seconds of nudity on the Broadway stage in *The Graduate*," Turner reports, "this country has an anguished relationship with its sexuality. . . . Just talking about sexual fulfillment is an act of bravery."

Verily. And lo, one day in Olde Times Square, this innocent fair maiden didst chance full-frontally to reveal God's gift of pulchritude, and the Puritan villagers blushed, for they had never seen breasts before, and they banished their sister Kathleen to Coventry, or at least to her weekend place in Amagansett, Long Island, whilst from their frosty pulpits the far-right town fathers didst hurl a thousand angry thunderbolts of Neurotic Uptightness. *Newsday*: "boring . . . pointless." *Daily Variety*: "Turner's Mrs. Robinson is not remotely alluring . . . Nurse Ratched in a cocktail dress . . . puerile."

It is from prudery like this that personal-reproductive-lifecycle-issues arise in the first place, Gloria Feldt explains. Whether under the influence of Manhattan theater critics, "most parents," or the Catholic Church, "where they are unlikely to have been taught about sex," girls enter adolescence having internalized American society's "expectations of celibacy until marriage." Consequently, when it comes time for them to defy these expectations in what should be a healthy, normal, and well-considered teenage fashion, young women are too consumed with self-reproach to consult their operator's manuals. In the ensuing congress, sad but true, these ladies not infrequently fail to experience "the joy of sexual love." Also, they get pregnant.

Mind you, any woman confronting such a crisis pregnancy may decide to carry her baby to term. Feldt will stipulate that: "The pro-choice position defends your right not to choose abortion." Indeed, she herself once made a not-choice like this, in long-ago Texas when she was fifteen years old. "In my case, abortion was whispered as a possibility," she remembers, "but I wanted to have a child." So she did, and married the father, though she now rolls her eyes at the reasoning involved: Becoming a wife and mother, Feldt concludes, "was my passive, jelly woman way of taking a measure of control over my life in keeping with my idealized notion of womanhood." From the husband, "I by and by became divorced." But from the children, Feldt appears to be inseparable. She loves them "fiercely."

Why, then, one can't help wondering, does the president of Planned Parenthood feel so free to indulge the assumption that other people's "unplanned" children—including those born into circumstances considerably less straitened than she faced at age fifteen—generally *aren't* loved? To this effect, Feldt quotes approvingly from a letter by "Jon," a gay man who, with his lover, "Jim," is helping an unnamed lesbian woman raise a little boy, "Devin." One day when Devin was in the second or third grade, around the time he pasted "the cancelled check for the semen donation" onto the first page of a class autobiography project, the "unusually empathetic" youngster told his male "co-parent" that he'd noticed something troubling. As Jon recounts the conversation:

> "I don't understand, some of the kids at school seem so isolated and unhappy and there seem to be so many of them. How can that be?" I said, "Well, you know, Devin, not all families plan on having children." "What?" exclaimed this most carefully planned child. "Well, a lot of people have children by having sexual intercourse without thinking about having children, so many children are born by accident."

The moral of this story, according to Gloria Feldt: "Only love can make a family." And it's got to be the right kind of love, too, involving the right kind of semen donation, deposited and filed with the right kind of prospectus by the right kind of co-parents proceeding from the right kind of teleological first principles. Otherwise, by the time you start breathing, it's already too late. Pretty soon, the unusually empathetic boy in your second-grade class is going to start asking one of his fathers about you. Perhaps there should be twenty-four-hour waiting periods and informed consent requirements before heterosexual couples are allowed to go to bed at night.

That being born has its down sides—that abortion is what's mercifully best for the millions of "fetuses" who cannot hope to live lives so full and beautiful as Devin's—is the governing bias of *Behind Every Choice Is a Story*. But Feldt does not state it explicitly; if nothing else, she is a canny politician. What Feldt does state explicitly, however, over and over again, in a tone of voice that admits no possible disagreement, is her absolute faith that abortion is what's always best

Behind Every Choice Is a Story
by Gloria Feldt
University of North Texas Press, 272 pp., $19.95

The Selected Papers of Margaret Sanger
The Woman Rebel, 1900-1928
edited by Esther Katz, et al.
University of Illinois Press, 512 pp., $65

Roe v. Wade
The Abortion Rights Controversy in American History
by N.E.H. Hull and Peter Charles Hoffer
University Press of Kansas, 315 pp., $35

Back to the Drawing Board
The Future of the Pro-Life Movement
edited by Teresa R. Wagner
St. Augustine's, 328 pp., $20

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for the mothers involved. They have chosen it, therefore it is good. We are meant to see this as the clinching argument. The entire book is structured to sustain the point, in fact, for Feldt has reprinted many, many letters from women ostensibly attesting to the body- and soul-preserving benefits of maximally exercised reproductive freedom. What more persuasive and reliable witnesses could there be? And who could dare presume to challenge the sincerity of their evidence?

Yes, well. The letters in question are genuinely gripping, nearly all of them. More than a few are deeply affecting, even unforgettable. But not the way Gloria Feldt imagines. Almost without fail, her correspondents make impressive, valiant efforts to express convincing pride in their decisions to abort. But few among them manage to pull it off completely; an undercurrent of profound uncertainty bubbles to the surface.

There is the college student who is "abstaining from sex because I feel that I owe that to the child I gave up." There is "Mandy," defiant about the abortion she had at sixteen—"I will ask my maker's forgiveness regarding many things, but preventing the birth of a child I had no way of providing for will not be one of them"—and wincing about the memory in the very next breath: "I didn't know what it was to truly be a woman until I was asked to give up the one thing that defines and unites us as a sex. That was the hardest thing I ever had to do."

And there is "Crissy," a high school student whose story leads the book, so pitiably confused about her experience that she is willing to consider the possibility that her own life, too, should have been interrupted *in utero*:

> If I ever have [a child] I want it to have the best that I could possibly give it, with a father and mother who love it. I was an unexpected child that perhaps shouldn't have been born. But since I'm here, I'm going to strive to make things better. [Planned Parenthood has] given me a chance to live and make my life the way it should be. Thank you.

"To me, this letter says it all," Feldt offers. But she does not elaborate.

Behind Every Choice Is a Story prefers to elaborate, instead, and quite lustily at that, on the character of abortion's enemies—on their "intolerance," "ideological fanaticism," "ingrained hostility to women," and failure to appreciate "the fullness and richness of human life." One of Feldt's favorite letter writers ventilates at fevered length about the pro-life movement's "animosity toward sexuality," about its adherents' "virulent misogyny" and "serious psychological problems," and about the fact that "many" of its allied politicians "lead reprehensible lives" behind closed doors. Such people are simply not to be trusted, the president of Planned Parenthood grimly insists. It is her final, foghorn warning blast to the nation's voters: Again, "abortion isn't about abortion," ultimately. For in the battle to preserve that one, singularly controversial reproductive freedom guaranteed by *Roe* v. *Wade*, an entire "worldview" of reproductive freedoms is also at issue. The whole warp and woof of contemporary American intimacy hangs in the balance, and "they" mean to take it all away from us. Put bluntly, which is the only way Gloria Feldt knows how: "If abortion rights go, birth control rights are equally at risk."

It is an interesting question, actually, what place, if any, the subject of birth control deserves in the current argument over abortion. Both are "about" sex and parenthood, obviously. But is there anything else of real moment that links them? To what extent is Gloria Feldt correct that abortion and birth control each now depends on the other for legal, political, and social survival?

As a constitutional matter, the two subjects are plainly related, if not by clear logic, then at least by clear precedent. *Roe*'s 1973 recognition of an abortion right was based squarely and specifically on the holding of a 1965 case, *Griswold* v. *Connecticut*, in which the Supreme Court had followed "penumbras from the emanations" of Amendments One through Ten until its majority discovered a previously undreamed-of "privacy interest" in adult contraception.

More broadly, as a matter of popular intuition, abortion and birth control appear naturally intertwined, like it or not, in two standard narratives of histor-

Getty; KRT; Zuma Press.

ical "progress": the post-Civil War march to gender equality in domestic, economic, and national affairs; and the general, expansionist trajectory, from the colonial era on down, of an intrinsic American impulse to individual autonomy. To this understanding of events, orthodox feminism has provided an especially influential contribution: an easily digestible, heroes-and-villains plot line, in which every step forward for women and liberty—out of the home, onto the shop floor, into the ballot box, and beyond—has been achieved against the stubborn and angry resistance of a status-anxious patriarchy. It is a cartoon. But it is a powerful one, with an elite and receptive audience already inclined to suspect that opponents of *Roe*, behind closed doors, must also, and with similar fervor, reject coed schools and miniskirts and the Nineteenth Amendment and pretty much everything else except abstinence and prayer.

Then, of course, there is the apparently straightforward institutional connection between contraception and abortion—in the person and career of birth-control pioneer Margaret Sanger. Over a quarter-century period beginning just before the First World War, Sanger did more than any other American ever has to proselytize, decriminalize, and destigmatize women's use of artificial means to time and limit their pregnancies. Between 1939 and 1942, with her most important work already done, the two principal organizations she'd founded, the Birth Control Clinical Research Bureau and the American Birth Control League, were collapsed into one and formally reorganized. Though effectively retired (and privately critical of its policies and practices), Sanger did agree to serve an initial term as honorary chairman of the emergent successor institution: the Planned Parenthood Federation of America. Which today, needless to say, under the leadership of Gloria Feldt, operates what is by far the nation's largest and busiest chain of abortion clinics.

Predictably—all by itself, her presence in Planned Parenthood's genealogical chart makes her an irresistible target—Margaret Sanger has become a deeply reviled figure in many grassroots corners of the pro-life world. The issue is not her advocacy of birth control *per se*; few Americans any longer remember a time when the propriety of birth control was publicly in dispute.

Quite the contrary, in fact: Well aware that contraception is effectively unassailable in mainstream political conversation, having attained an almost invisible ubiquity in the United States, opponents of abortion attack Sanger's motives, rather than her work—searching through the historical record and attempting to identify, in the *reasons* she championed birth control, an ugly and unflattering ideological connection to modern-day abortion-rights rhetoric. Gloria Feldt likes her brand of reproductive freedom in part because she thinks lots of people are born who maybe shouldn't be. Might Margaret Sanger have been drawn to "voluntary motherhood," as it then was called, by an identical instinct?

There's been a rough brawl about this, centered around Sanger's relationship with the early twentieth-century craze for eugenics among American progressives. At the time, plenty of perfectly respectable people were of the view, and said so out loud, that "undesirables"—the physically infirm, the "feeble-minded," and the "genetically criminal"—were reproducing themselves too quickly and threatening to overwhelm their betters. Some among the better types thought it appropriate and necessary for healthy, productive, and intelligent families to engage the "breeding war" directly, and they urged their peers to procreate more aggressively.

Other eugenicists, of the "neo-Malthusian" tendency, believed that creating more human beings was always a bad idea and that birth control for the "working masses" was a more efficient response to the plague of "defective" children. Sanger joined forces with this latter camp, an alliance her sympathetic scholarly biographers have candidly acknowledged, with evident embarrassment—while trying, not very candidly and rather too hastily, to explain it away as a diffident, skeptical, and purely opportunistic marriage of convenience.

The biographers have satisfied no one. Major umbrella groups like the National Right to Life Committee have sailed wide of the fracas, but for years, *samizdat* folk research on Sanger has circulated throughout the pro-life movement's trenches. In it, Sanger is likened to Hitler, accused (unfairly) of plotting genocide against American blacks, raked over the coals for various outrageous pronouncements that she made (and for some that she did not), and invariably described—without much bother over where the picture comes from—as a lifelong and active "promoter" of abortion who was there at the creation and thus shares significant responsibility for the design of Planned Parenthood's subsequent, post-*Roe* empire. Birth control is one thing. But Margaret Sanger wanted blood.

As you might expect, Planned Parenthood doesn't see her that way. The imperatives of institutional image management won't permit it, for one thing. To Gloria Feldt, Sanger remains a valuable trademark, the "mother of the birth-control movement" whose triumph we all take for granted. Feldt basks in Sanger's glow, and she sees "many similarities with Sanger's day" as



AFP; UPI; AFP.

"I stand by Margaret Sanger's side," leading "the organization that carries on Sanger's legacy."

At the same time, however, Feldt is maddeningly vague about what would seem to be the paramount question raised both by those pro-life attack leaflets—over the top though they may be—and by her own alarums concerning the threat the pro-life movement poses, simultaneously, to abortion and birth control. What *are* they, precisely, these asserted "similarities," of theory or function, between Margaret Sanger's warmly remembered and popular "legacy," on the one hand, and Planned Parenthood's network of steel tables and stirrups, on the other?

Feldt's colleagues at Planned Parenthood maintain an extensive, belligerently defensive essay about Sanger on their website. It allows that, yes, in olden times she once in a while "entertained" an idea or two that might be "out of keeping" with current multicultural fashion. But the piece otherwise rejects, categorically, all the harshest indictments lodged against "the founder" by the "anti-family planning movement." They are "distortions," "misattributions," or "outright lies." It is a lie, they say, that Sanger favored passage of restrictive and racially motivated immigration laws in the early 1920s. Sanger "never described any ethnic community as an 'inferior race' or as 'human weeds.'" Sanger never even promoted abortion, Planned Parenthood feels obliged to point out, strangely enough—not because the founder had qualms about it, perish the thought, but simply because abortion "was illegal and dangerous throughout her lifetime."

Somewhere, amidst the sucker punches and cries of foul, the truth must reside. And "somewhere," it turns out, is the enormous and altogether dazzling selection of public and private records just put out by the manuscript curators at New York University's "Margaret Sanger Papers Project." They too, like the earlier biographers, unambiguously admire the woman. But they have done their editing with scrupulous care, they have annotated the documents they reproduce with monk-like dispassion, and on the face of it they have held nothing back. *The Woman Rebel, 1900-1928* is the first in a projected four-volume series. For relevance to still unsettled political arguments, though, this volume, covering all the crucial years of Sanger's career, is clearly the one that matters.

Sanger is a thoroughly fascinating figure, and the book makes for compulsive reading, but it will likely do her personal reputation little good. Her own words make plain, in the diary-like detail of her piled-up correspondence, that Sanger was a case-study zealot. She was monumentally selfish, quite aware of the fact (unable, she admitted, to experience anything but "chemical love"), and proud of it, even. Hundreds of different people cross the pages of *The Woman Rebel*—husbands, lovers, friends, her children, colleagues and rivals in the birth-control movement, the spiritual mediums she consulted for advice—and one winces, hard, at Sanger's treatment of all but a handful of them. She was an excellent hater. She did not like Catholics. She did not like most of the leading suffragists of her day. She did not like those of her erstwhile allies who thought women should have access to contraceptives without a doctor's prescription. She did not like "middle-class morality." She did not like James Joyce, whom she read with "nausea."

And then there is the eugenics problem. Margaret Sanger *really* did not like people—many millions of married couples, she thought—who felt free to use their reproductive organs for an actual reproductive purpose, even though they had no damn business having children.

Planned Parenthood needs to amend its website. Sanger did, in fact, endorse the federal government's post-World War I immigration restrictions, during a Vassar College speech on "racial betterment" in February 1924, and she was "glad" the laws were "drastic" enough to help control "the quality of our population." She worried, though, about the "increasing race of morons" already on our shores, and expressed disgust that the American people should be taxed to fund welfare spending for the "maintenance and perpetuation of these undesirables." When we consider that "a moron's vote is as good as an intelligent, educated, [*thinking*] citizen," Sanger advised, "we well pause and ask ourselves: 'Is America really safe for Democracy?'"

Sanger did, indeed, call the "morons" who so disgusted her "human weeds"; it's there on page 386, and the book's editors tell us she "often" employed the analogy. And she did, too, believe that "ethnic community" was something the race-betterment gardener should want to consider when he was trying to decide which "weeds" to attack with his hoe. "The Jewish people and Italian families," she complained to the New York State legislature in 1923, "are filling the insane asylums" and "hospitals" and "feeble-minded institutions," and it was wrong that taxpayers should have to subsidize the "multiplication of the unfit" this way. Better that the state should save its money "to spend on geniuses."

At one point, Sanger classified eighty-five million Americans as "mediocre to imbecile." At another, she proposed a total, five-year, nationwide moratorium on childbirth. Score one for

the pro-life pamphleteers, despite themselves.

One final misconception about Mrs. Sanger must also be addressed, it seems, and in this case the truth will terribly inconvenience the propaganda efforts all around. It is not right, *pace* Planned Parenthood, that Margaret Sanger declined to advocate abortion on grounds that it was then a dangerous and illegal surgery. "There are cases where even the law recognizes an abortion as justifiable if recommended by a physician," she wrote in 1920, and "we know that abortion, when performed by skilled hands, under right conditions, brings almost no danger to the life of the patient." On the evidence in *The Woman Rebel*, the real reason Sanger declined to advocate abortion, notwithstanding the law's flexibility and what she took to be the procedure's safety, is that abortion *appalled* her.

She turned women seeking abortions away from her clinics: "I do not approve of abortion." She called it "sordid," "abhorrent," "terrible," "barbaric," a "horror." She called abortionists "blood-sucking men with MD after their names who perform operations for the price of so-and-so." She called the results of abortion "an outrageous slaughter," "infanticide," "foeticide," and "the killing of babies." And Margaret Sanger, who knew a thing or two about contraception, said that birth control "has nothing to do with abortion, it has nothing to do with interfering with or disturbing life after conception has taken place." Birth control stands alone: "It is the first, last, and final step we all are to take to have real human emancipation."

Perhaps Gloria Feldt's seamless-web, isn't-just-about-abortion "worldview" has got a little too big for its britches? Perhaps, for that matter, the whole "worldview" history of America's experience with abortion is ripe for reconsideration—at a higher magnification and at a deliberate, protective remove from those broad-brush narratives of "progress" (or "decline," if you are thus disposed) that manacle political debate in the here and now. If it is ludicrously illegitimate for Gloria Feldt to wrap her enterprise's grubby tradecraft in Margaret Sanger's skirts, what else might be wrong with the conventional, mythopoeic understanding of abortion, in which context looms larger than the thing itself, in which this one great legal and moral question is required to synthesize and reflect all the related but separate questions, too? Maybe, in the abortion story's details, it really isn't possible to see the same actors, wearing the same uniforms, impelled by the same social tides, at every yearbook's turn. Maybe, in other words, abortion is complicated—and meaningfully unique—and there doesn't exist a neat, coherent "worldview" that adequately and honestly explains it.

Abortion is so much a vexed, passion-saturated, and dispiriting controversy, of course, that the demand for a fresh look at its résumé—by knowledgeable investigators willing and able to abandon the distorting crutch of preexisting theory—may well be a demand for the impossible. A truly impartial, authoritative *summa* on the subject has yet to be written. And most books that have been written are top-heavy with *engagé* attitude. But the better ones do contain the facts, which are always useful. And the facts tend inevitably to subvert whatever attitude attempts to tame them.

For example. In the preface to *Roe v. Wade: The Abortion Rights Controversy in American History*, the best recent general survey for a non-specialist audience, authors N.E.H. Hull and Peter Charles Hoffer announce an intention "to show respect for and give hearing to a wide spectrum of arguments" about the issue. And then they fail to do so, especially in their final chapters. Among other things, the book is abrasively hostile to the dissenting justices in the Supreme Court's *Roe* line of cases, contemptuous of the modern pro-life movement as a cause analogous to "creationism in schools," and soap-boxy about the familiar Light-Against-Darkness dramaturgy the authors have layered onto 150 years of abortion politics. Hull and Hoffer are transparently pro-choice.

Nevertheless, underneath the editorial color commentary, there sits a highly professional piece of history writing, a judiciously selected and generous array of information that would, if permitted

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to speak for itself, make a thoroughgoing mess of the contemporary prejudices read back into the past each day in our morning newspapers. No ancestral Christian Coalition or council of priests was on the scene at the founding of the American pro-life movement. Nineteenth-century opposition to abortion was born and crystallized in the same phenomenon that made abortion increasingly prevalent in the middle class: the Victorian elevation and idealization of women's and children's status in smaller, "affective" households. The early feminists almost uniformly opposed abortion. Abortion has never been fully and effectively "illegal," and the push for recodification and relaxation of state-based restrictions against it was led, for most of its history, by men. Well into the 1960s, public opinion polls showed men, not women, had more liberal views on abortion, and no American women's group officially dedicated to the liberalization of abortion law existed until 1966.

The year before, when the Supreme Court invalidated Connecticut's ban on contraceptives, the nation's last, no one could remember the last time anyone had actually been prosecuted according to its terms. Thomas Emerson, the Yale professor who argued Planned Parenthood's case in *Griswold*, insisted that recognition of a contraceptive privacy right would not threaten any state's anti-abortion legislation. There was a difference, he agreed during oral argument: Abortion involves "killing a life in being." Eight years later, critical reaction

to the reasoning of the *Roe* majority came principally and most pointedly from liberal, not conservative legal scholars. And so forth. This is history, too. But it is not a history recognized in the universe Gloria Feldt inhabits.

And what of the pro-life side? Twenty-eight prominent and not-so-prominent opponents of abortion appear in *Back to the Drawing Board: The Future of the Pro-Life Movement*, a collection of essays edited by Teresa Wagner, a former staffer at both the National Right to Life Committee and the Family Research Council. There is dissent aplenty here. All the essayists disagree with *Roe* and reject what it's wrought, of course. But they also disagree, to a striking extent, among themselves.

In her preface, Wagner says, "We are not winning." In his foreword, Father Richard John Neuhaus, characteristically taking the long view, finds reason for "immeasurable gratitude" about the movement's progress. Mildred Jefferson, past president of the NRLC, who writes the book's introduction, hopes that pro-life activism can remain formally and self-consciously nonpartisan and unideological; most of the grassroots sentiment such activism represents, she wants it known, is neither Republican nor conservative. Former Boston mayor and Clinton administration diplomat Raymond Flynn, in fact, suggests that the pro-life cause should be a largely Democratic phenomenon—and would be, but for the delegate-selection rules his party adopted at its 1972 convention. But one leading pro-life stalwart in Congress, Republican congressman Chris Smith, thinks the Democratic party has permanently "sold its soul" and should be written off.

The deliberative, bull-session atmosphere that suffuses *Back to the Drawing Board* works largely to its editor's credit. Internal debate is a valuable thing in a movement like Teresa Wagner's. Gloria Feldt is defending an existing status quo, and so, naturally enough, she does not want—and probably cannot afford—to be anything but doctrinaire and inflexible in her politics. Opponents of abortion, on the other hand, are the "out" party and have no such fixed point of reference; they must forge one from scratch. What *ought* to be, instead of *Roe*, and how it's best to get there, are unavoidable questions. "Legal incrementalism" of one form or another has lately proved the prevailing answer, but serious alternative strategies compete for attention and loyalty within the pro-life movement, and Wagner has given all of them a place in her book.

She has left her door ajar, however, and not everything that walks in is attractive. A couple of the book's essays are exercises in crankery. Something called "Vicarious Pain Syndrome" affects a woman who's had an abortion, according to Philip Ney: The dying baby's trauma is "transmitted across the placental barrier by hormones" and then permanently "resides in [the mother's] head." Children such a mother might later bear suffer "Post Abortion Survivor Syndrome," an "existential guilt" about their dead sibling that "might" lead them to "violence" and "terrorism." Rabbi Daniel Lapin grins his way through a shallow and not-very-funny explanation of why Jewish liberals favor abortion: If they acknowledge God's strictures against *that*, then they'll have to stop "eating lobster," too. Judith Reisman is allowed a long, vulgar, paranoiac maunder about "fornication," "sodomy," and long-dead sexologist Alfred Kinsey—and she hardly mentions abortion at all.

Finally, most unsettling is the presence in Wagner's book of a minority but persistent and hard-edged trend within the pro-life movement best exemplified by retired Notre Dame law professor Charles E. Rice. "The principle underlying legalized abortion is the principle that underlay the Nazi extermination of the Jews" (and, yes, contraception, too), he writes, and that principle is "agnostic secularism." Politics has proved a useless weapon against such secularism; "the political pro-life movement is dead." Instead, what's necessary is a "reconversion of the American people, one by one and family by family, to the conviction that the right of the innocent to live is absolute because it is the gift of God." It is "increasingly evident," Rice concludes, "that the answer to the culture of death will be found in the timeless moral and social teachings of the Catholic Church."

This, you'll note, is certainly a "worldview": the notion that massive religious revival is the only solution to abortion. And it happens to be a particularly unfortunate worldview in this context—for it is precisely the Manichaean impulse with which Gloria Feldt attempts to slander abortion opponents generally. On that basis alone, you would expect most abortion opponents to shun the idea.

But there is a broader and more important reason why committed abortion opponents should feel no need for apocalyptic "worldviews"—of any sort. Who adopts such an attitude about something like abortion, unless he secretly believes he cannot make a winning argument? If Americans can't be talked out of their reliance on abortion until every single one of them has joined the Catholic Church, then Planned Parenthood will be with us forever.

An equivalent, desperate fatalism is detectable on the other side of the battlefield, remember. Gloria Feldt is a Manichaean, too. She raises false fears about the end of modern sexuality—she refuses to acknowledge the troubled conscience about abortion implicit in those women's letters she publishes—because she knows something that Charles Rice does not: When abortion *is* just about abortion, abortion may very well lose. ♦

"Edward descends from a long line of human pharmaceutical research subjects."

Apauling

Tom Paulin has struck back. You may remember him: the Irish poet at Columbia University whose fifteen minutes of infamy came last fall when he told an Egyptian newspaper that Israelis in the occupied territories "should be shot dead. I think they are Nazis, racists, I feel nothing but hatred for them." Like a rusty weathercock, always a moment behind the shifting wind, Harvard invited him to give a poetry reading, then disinvited him, then reinvited him, as the outrage blew from one direction and then another. Columnists and bloggers, sensing a figure ready for the kill, searched through his interviews and poems to uncover such gems as "the Zionist SS" and "I can understand how suicide bombers feel."

Well, like Cuchulain hopelessly fighting the tide, Paulin has answered his critics with a poem in the *London Review of Books* called "On Being Dealt the Anti-Semitic Card." It's a curious production: 133 lines of underpunctuated free verse that somehow link Paulin's situation to Samuel Beckett's, with tendentious excurses through the history of Palestine, European anti-Semitism, and the Enlightenment. I'd say that the poem was worth reading in its entirety, but it isn't. Here's a sample, just to give you the flavor:

> *now watch those darlings as they glide*
> *over shifting sands*
> *lost in the dark*
> *or bowing their heads*
> *below those guilt-inducing wands*
> *waved like flags*
> *above the Shankill Road*
> *so the Palestinians they're forgotten*

Still, "On Being Dealt the Anti-Semitic Card" is a useful poem—useful as a marker of where we stand at the moment, for Paulin is just smart enough to gather all the elements of his partisan position and just stupid enough not to see what they add up to. Portions of the poem are genuinely eccentric. Paulin seems, for example, to define the Psalms as *that liberation text / Milton set in Greek and English verse / before it got twisted*. Much of the poem, however, is *not* eccentric, but deeply representative of both the incoherence the anti-Israeli left has embraced and the motives for that incoherence.

Look, for instance, at Paulin's reference to Joseph De Maistre. The poem's pocket history of anti-Semitism is a little confused: The Crusaders—*those mailclad terrorist invaders*—are normally taken by Paulin's sort of writer as unambiguous proof of European hatred for the dark-skinned oppressed people of the Islamic lands. (Even that is a little peculiar: Didn't the Crusaders eventually *lose*? The Crusader kingdom of Acre is one with Nineveh and Tyre, these days.) But "On Being Dealt the Anti-Semitic Card" folds the Crusades into the history of European hatred for Jews—and makes them part of the chain that Paulin insists runs unbroken from Virgil to Le Pen. All of this then gives way to an attack upon the Enlightenment, which concludes *we mustn't though be mastered by De Maistre / who in his manner sees what's wrong*.

We might make a general rule of this: Political discourse is a circle; if you get far enough out on one side, you begin to curve around to meet the people far out on the other side. The fever swamps are undifferentiated. The ones who wandered in from the left are lost in the same territory as the ones who wandered in from the right. The least hint of praise from a nutball lefty like Paulin for the counter-Enlightenment De Maistre, hero of the nutball right, is all the proof needed. Paulin insists he's merely echoing Isaiah Berlin's interesting work on the forgotten opponents of the Enlightenment, but he's doing something far worse. How often have you heard people saying, "We need to get beyond left/right distinctions?" Beware them. Mostly, of course, such "Beyondists" (as David Brooks dubbed them) are just selling a standard-issue liberal agenda with the useful rhetoric of anti-politics. But when they actually mean it—as Paulin does—they invariably end up with something murderous.

Having declared the Crusades part of the history of attacks on Jews, Paulin is left unable to explain quite why he thinks Israel now is *Christian fundamentalist / born again into that Zion / we all are touched by*. But the left knows that it hates Christian fundamentalism, and it knows it hates Israel, so (by the syllogistic fallacy known as an undistributed middle) Israel must somehow be an instance of Christian fundamentalism. Don't worry that this makes no logical

sense. It makes psychological sense.

I once had lunch with a European writer who insisted that hatred of Israel simply could not be hatred of the Jews—for anti-Semitism defines the right, and the right defines anti-Semitism. The "anti-Semitism of the left" is such an obvious and manifest contradiction in terms that he felt no need to worry about it. Thus Paulin:

the programme though
of saying Israel's critics
are tout court anti-semitic
is designed daily by some schmuck
to make you shut the f—k up

Perhaps, at the greatest level of abstraction, opposition to the existence of Israel isn't necessarily anti-Semitic. But we don't exist at that level of abstraction in the world as actually constituted. Perhaps there were moments before Hitler came to power when anti-Semitism could be distinguished from anti-Zionism. But those moments are long gone. The point here, however, is that Paulin's type of opposition to Israel doesn't bother much with making the distinction, because it knows that it *cannot* be anti-Semitic: Anti-Semitism is exclusively a rightist phenomenon, and leftists alone have inherited the robes of the heroes, from the Dreyfusards to the anti-Nazi underground.

Indeed, it's something even more than that. When, in "On Being Dealt the Anti-Semitic Card," Paulin writes that the Palestinians are *the victims of the victims*, when he tells an interviewer that the Israelis are "Nazis," he is insisting that the moral impulse that once opposed anti-Semitism is now opposed to Israel. The Palestinians are the victims of the victims, you see? Paulin cannot be anti-Semitic—because he *knows* how moral he is, because he's the self-proclaimed heir of those who hated anti-Semitism. He was "dealt the anti-Semitic card," but it is his opponents who are the true Nazis: *the ones who play the a-s card— / of death threats hate mail talking tough / the usual cynical Goebbels stuff*.

This makes no sense in any inner precinct of the mind, but the existence of the anti-Israeli left proves that it is persuasive in the confused suburbs where political emotion takes the place of thought. When Paulin writes of *our Enlightenment / savants and philosophes going down the rungs . . . / back into that bony stinking ragshop / whence they sprung*, he imagines he's echoing Yeats. But how Yeats actually concluded "The Circus Animals' Desertion" is: *I must lie down where all the ladders start / In the foul rag and bone shop of the heart*. Yeats knows that the poet ought first to suspect himself. Paulin knows nothing so unself-righteous.

Columbia University recently announced that it won't offer Tom Paulin a permanent post—as indeed it shouldn't. "On Being Dealt the Anti-Semitic Card" proves the man is no historian, no thinker, and no poet.

—J. Bottum

Books in Brief

***Diversity: The Invention of a Concept* by Peter Wood (Encounter, 360 pp., $24.95).** This book provides the sympathetic reader with a dilemma. It's hard not to delight in Wood's erudite, elegant, often hilarious critique of the diversity movement, but his generosity toward his subject keeps him from building a decisive brief against it.

Wood is an anthropologist by training, and his book is a testament to what an anthropologist's disposition, unblinkered by turgid theory or political dogma, can bring to a topic. His sensitivity and intelligence are on display in his chapters on nineteenth-century America's ardent curiosity about "other cultures" and mainstream Protestantism's damaging embrace of diversity. Chapters on the *Bakke* fiasco, diversity myths on college campuses, and the business world's craven and faddish diversity fixation are so dolefully illuminating it actually hurts.

Wood is a spirited and learned defender of the liberal principles that "diversity" subverts, but it's not clear that another defense of those principles can even begin to work its way through the diversity fog that has descended over the culture.

This reflects Wood's intellectual generosity, his insistence on treating "diversity" as an idea and not merely a pathology. In its practical everyday workings, however, the ideal of diversity is pathological. Wood's book would have worked better as an indictment if he had focused more on the creepy Soviet-style lying that diversity requires in practice and less on the foolishness of diversity as a social ideal.

Maybe, in addition to Wood's brilliant biography of the concept of diversity, we need what a postmodernist might call a genealogy of the practice: a concrete documentary account that, through a steady accretion of facts, exposes its constitutive idiocy, mendacity, and tyranny. For if Wood's book proves anything, it is that the incoherence of the concept of diversity is rivaled only by its banality.

Of course, if this is the case, then why has it come to dominate so many of our most important institutions? Wood addresses this question mainly in terms of diversity's psychological appeal, but another answer lies in the institutions themselves. Diversity, which elevates the bean-counting arts by turning specific numerical distributions into the highest good, gained a foothold in the administrative world long before it had any intellectual currency. University officials were fighting to preserve diversity before they had decided why it mattered. Only later was the term adopted by journalists and academics.

This suggests a depressing fact about our situation. The dominant ideas of culture used to emerge through art, philosophical debate, and political struggle. Now, it seems, they are propounded by the associate dean of admissions, in conjunction with the assistant vice president for multicultural affairs, who works upstairs in the department of human resources.

—Matt Feeney

"I think war is based on greed and there are huge karmic retributions that will follow."

—Singer Sheryl Crow, on a possible war with Iraq, January 13

Department of Homeland Security

Office of Karmic Affairs

"Where the War on Terror isn't an Event, It's a Pathway to Understanding"

Today's Aura Alert Level is: LAVENDER

MEMO

To: Tom Ridge

From: The Venerable Sunshine Rothburg, Ph.D., Director of Karmic Defense

Dear Mr. Secretary,

During the confrontation with Iraq, the United States has experienced an alarming loss of chi. The Axis of Bad Vibes has stepped up its activity, and we have seen a serious proliferation of Weapons of Mass Psychic Tension.

While our officers have been able to intercept and, using crystals and incense, destroy much of the bad gestalt aimed at our shores, many of us feel there has been a serious deterioration in our national love dharma. Gaia has been rumbling. Silence has become less pure and there is less fullness in our emptiness.

I therefore recommend the following actions:

1. Breathe and stretch.
2. Reinforce Pentagon defenses against aromatherapy attacks.
3. Total saffron ban.
4. Institute national registry of all late Beatles albums.
5. Practice Random Acts of Kindness.
6. Institute presidential contemplation of the interconnectedness of things.

Mr. Secretary, I applaud your efforts to keep the American karma serene. We must win this war, but if we don't, what shall be shall be. Existence is a circle. The end is found at the circumference of the beginning.