the weekly Standard

APRIL 9 / APRIL 16, 2007

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CALIFORNIA BEHIND BARS
DAVID DEVOSS

AHEAD OF THE PACK (for now)

ANDREW FERGUSON
on Rudy Giuliani

FRED BARNES
on John McCain

IS THIS WHERE YOUR TEEN GOES TO GET HIGH?

A growing danger among teens today is the intentional abuse of prescription drugs and over-the-counter cough and cold medicines to get high.

One cause of the problem is how easily teens can find them. These drugs are most likely already in your own home. Over half of teens who abuse prescription painkillers report they get them for free from the homes of family or friends, or they take them from family or friends without asking.[1]

Most frightening, however, is that teens often don't recognize the dangers of prescription and over-the-counter drug abuse; they don't see it to be as harmful as illicit drug use. After all, these drugs are approved for medical use. But when taken without medical supervision, intentionally abused, or mixed with other drugs or alcohol, prescription medicines can be dangerous. Teens who decide to abuse prescription drugs run the risk of addiction, strokes, seizures, comas, and even death.

Unfortunately, it's a growing trend. Teens are turning away from using street drugs to prescription medications to get high. New users of prescription drugs are actually catching up with new users of marijuana.[2]

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Overall, teen use of street drugs is down. That's great; that means you've been doing your job. Now it's time to make sure that you stay updated on this latest threat to your teens' health and safety.

Signed,

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National Institute on Drug Abuse
Substance Abuse and Mental Health Services Administration
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1 SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2005
2 Ibid

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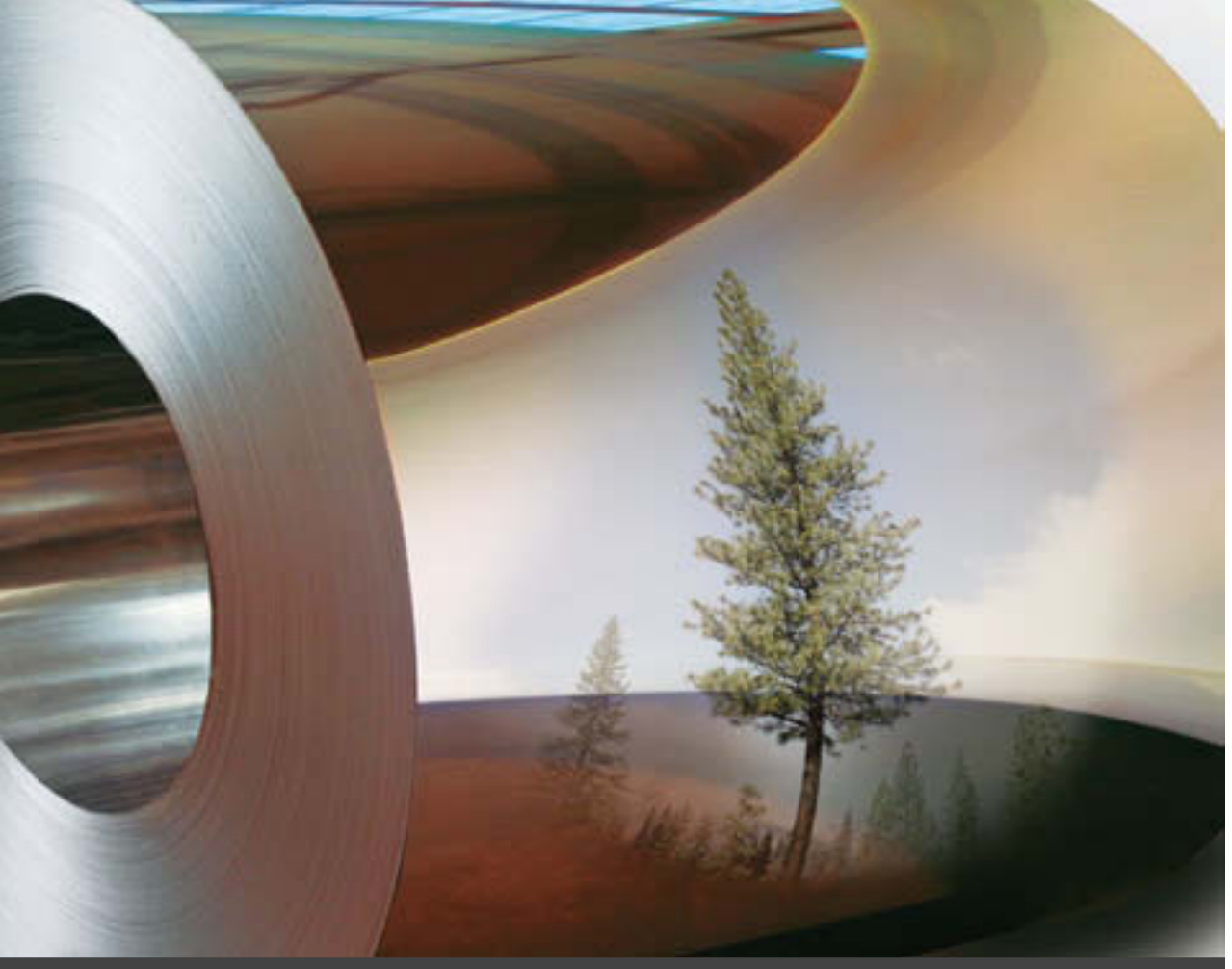

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THIS IS A COMBINED ISSUE. THE NEXT ISSUE OF THE WEEKLY STANDARD WILL APPEAR IN TWO WEEKS.

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The Weekly Standard (ISSN 1083-3013), a division of News America Incorporated, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-902-563-4723 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036.

BPA INTERNATIONAL

A Fond Farewell

Peter Steiner, whose cartoons have graced every Scrapbook since the first issue of The Weekly Standard has decided to go out on top. We can't count the laughs he has provided, and our sadness at seeing him go is proportionate. In the coming weeks, we will be easing your withdrawal symptoms (and ours, too) with some "Classic Steiners" from years gone by. Here are a few to begin with. And now we cede the floor to Peter:

Dear Readers,

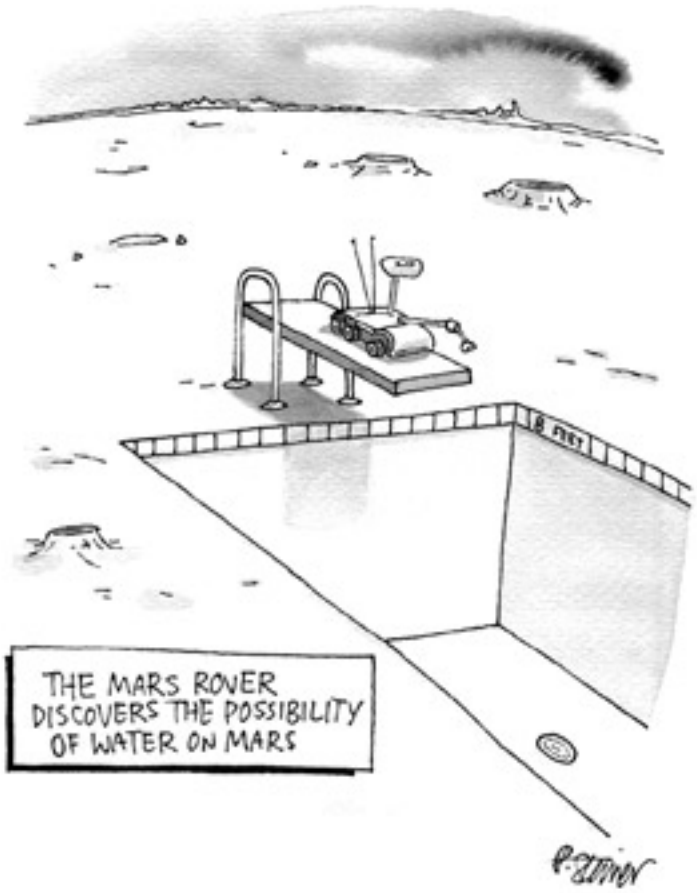
Politicians come and go. Regimes, even nations, are here today and gone tomorrow. But humor lasts. Does anyone remember which bills were before the senate when Aristophanes was writing "Lysistrata"? And when Swift was suggesting that eating poor Irish children could relieve famine and poverty, who was prime minister? Who was emperor or king or whatever the French had at the time when Daumier was doing his wicked drawings?

About thirty years ago I enlisted as a foot soldier in the humor army led by those great generals, and, following their example, I have done my best to strew the field of history with rude drawings. I like to think my work has sometimes annoyed people who needed annoying.

Thanks to The Weekly Standard *for printing them so nicely for the last eleven-plus years. Thanks, Dear Readers, for looking at them and being amused when you could be. And if you were not amused, I fervently hope you were at least annoyed.*

Peter Steiner

Scrapbook


THE MARS ROVER DISCOVERS THE POSSIBILITY OF WATER ON MARS


WE CANNOT COMMENT ON AN ONGOING INVESTIGATION.


YES, HE'S CONSERVATIVE, BUT IS HE OUR KIND OF CONSERVATIVE?


REMEMBER, SWEETIE, IN A DEMOCRACY WE DON'T HIT THOSE WE DISAGREE WITH. WE RIDICULE THEM.

Casual

Martha Eastland, 1917-2007

Arriving at the funeral home, the chairman of the Hill County Republican party asked me whether my mother, a resident of Hillsboro, the county seat, had known how the local elections had gone. She knew, I told him. Democrats had dominated the county since Texas entered the Union. But last fall, for the first time ever, Republicans won every contested seat.

Martha Leila Martin Eastland was most pleased with that result. She was a Republican from the time she first voted, and she could never understand why Hill County, south of Dallas, had remained so Democratic for so long, why it had chosen to dwell in such, well, ignorance. My mother never voted for the Democratic presidential candidate, not even, as you will have deduced, for FDR, who ran up big margins in the South.

Mother was a conservative long before conservatives captured the GOP. She read conservative books and made sure to transmit conservative ideas to her children. Weekdays at 6 P.M., we listened to Fulton Lewis Jr., who gave you the news in a fair and balanced kind of way. Next was H.L. Hunt, the super-wealthy oilman, who catechized listeners in conservative doctrines.

This education bore its first fruit in 1964 when my brother and I went to a rally (in Dallas, where we lived) for Barry Goldwater. Mother was of course disappointed with the landslide election that kept LBJ in the White House, but very happy 16 years later when Ronald Reagan won.

Mother was a patriot with a passion for things American, including the country's art and architecture. Descended from Scots-Irish settlers, she was a Daughter of the American Revolution and a Daughter of the Republic of Texas. The Alamo remained large in her imagination. She was intrigued with the life of her paternal grandfather, who came to Texas from Alabama, survived four years in Lee's Army of Northern Virginia, and later was elected to Congress (only parenthetically do I think Mother would permit me to say he was a Democrat).

Mother was a good student and in 1938 took a degree in home economics

from Texas State College for Women, up in Denton. She taught that subject in middle and high school. She left behind a vast collection of recipes, few of the lean cuisine variety. As a cook, she was fastidious, and she had that intuition good cooks have, by which an ordinary recipe, with subtle modifications, can be made to yield a better result.

"Determined" was what my mother always was. She planned to do this and that, big projects and small, and nothing was ever going to stop her.

She was this way even in her last years. Last February she had an appointment with a foot doctor in Ennis. Nearing the town, she stopped for a moment to roll down the window and get some fresh air. Fog had settled in, and she didn't know that her car was on some railroad tracks. A train exiting a spur at 11 miles an hour hit her in the driver's door, totaling her car. She was okay. The state police rushed her to the hospital, but she made it clear she had come to Ennis not to visit the emergency room but to see the foot doctor. They took her by ambulance.

The biggest challenge my mother faced, together with my father, concerned my sister Janie, who at 16 months had measles encephalitis, which left her brain-damaged. Mother never flagged in her determination to improve Janie's life. She had no patience with doctors and other professionals who thought little could be done to help her. Janie had 20 good years before another disease—Parkinson's—began its relentless assault. She learned to read and write. She kept a diary. She sewed and she helped in the kitchen. At our neighborhood cafeteria, close enough for her to walk to and from, she won employee-of-the-month awards. Mother cherished them.

The Psalmist wrote, "The years of our life are seventy, even by reason of strength eighty, yet their span is toil and trouble." Mother's span was ninety, and the last five brought major health trouble. Even so, she could make you laugh. In her last months, having worked hard to learn again how to swallow food, she could get down only a third of a teaspoon. So the feeding tube did most of the "eating." She joked that real eating had become, for her, the home economist, "recreation."

At her service, she wanted hymns sung, Scripture read, and the Gospel preached. That was what we did. She also wanted played the Boston Pops Orchestra's version of "Chariots of Fire." I couldn't find that and went with Vangelis. She liked the movie. Maybe *Chariots of Fire* reminded her of the race that had been set before her, and which she was finishing as death drew near. It played as the rows emptied.

Terry Eastland

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The Great Wall

Abby Wisse Schachter's review of Zev Chafets's new book singles me out for my criticism of recent attempts by some on the Christian right to claim that the Declaration of Independence is really America's baptismal certificate ("Friends in Need," March 26). She is right that in my forthcoming book *Blasphemy: How the Religious Right Is Hijacking the Declaration of Independence* I criticize some evangelical Christians for trying to tear down the wall of separation between church and state.

I am careful in my book to distinguish between attacking evangelical Christians as a group and criticizing specific aspects of their agenda. In my introduction I make the following point: "Many on the Religious Right are sincere and decent people who deeply believe they are doing God's work. And maybe they are, but they are not doing Jefferson's work, or the work of our other founders who strongly believed in the separation of church and state. The good people who are using the Declaration of Independence to Christianize our nation have a very different conception of governance than did the founding generation, and it is wrong for these historical revisionists to rewrite our past in an effort to change our future." Because of my strong opposition to turning America into a Christian nation in which Jews are treated as second class citizens, Schachter accuses me of being "more committed to the liberal Democratic agenda than . . . to Israel." What she fails to understand is that I, and others who support both Israel and the separation of church from state, do not believe that in America we should have to choose between support for Israel and support for a nation in which all people are equal without regard to their religious beliefs or nonbeliefs. I will continue to fight both for Israel's security and for the security of American Jews in an America with a strong commitment to separation between church and state.

Alan Dershowitz
Cambridge, Mass.

Abby Wisse Schachter responds: Evangelical Christians have as much

right to take advantage of all available freedoms to compete for their vision of America, as Alan Dershowitz has to flog his book.

One Arm, Two Fists

I want to thank Charlotte Hays, bless her heart, for reviewing my new book, *The Politically Incorrect Guide to the South* ("Y'all's History," March 26). Miss Hays wrote that I didn't mention that Southerners grew up reading Sir Walter Scott. Some of us did not. I grew up on a pre-Disneyfied Florida farm where I was too busy orange-picking, cucumber-hauling, and cow-catching to read *Ivanhoe*. But for her to call me a Yankee because I was born in Florida is just unacceptable! My great great grandfather in the 8th Florida Regiment lost his arm at Fredericksburg when a bunch of selfish sons of Mississippi (where Miss Hays writes she plans to die) hogged all the good cover houses. Had her ancestors been more hospitable and considerate of my ancestors, Grandpap would have been able to pour two-fisted drinks in his Fort Meade, Fla., bar, which was well known for barring real Yankees. (He was a little irritated about losing his arm.)

Clint Johnson
Ashe County, N.C.

Charlotte Hays responds: Bless Mr. Johnson's heart, but I do wish his book had been as lively as his complaints about my review. The review, then, might have been different. And, please, Clint, take some time off from cucumber-hauling and read Sir Walter Scott. It's never too late to acquire the habits of chivalry.

• • •

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the weekly Standard

'Kick Me'?

An experienced Republican operative of our acquaintance—normally a man of sanguine disposition—said it all last week. After denouncing the amazing irresponsibility of the Democratic Congress, after lamenting the refusal of much of the media to report progress from Iraq, after noting the apparent incompetence of the attorney general, after wondering why the secretary of state seems to be making herself irrelevant—he came as close as he ever does to exploding. "But all this doesn't matter. It's really about Bush. Doesn't he understand he's walking around with a 'Kick Me' sign on his back?"

Surely President Bush must realize that the Democratic Congress is not merely struggling with him over policy, or jousting for political advantage. The Democrats in Congress are trying to destroy his presidency. They are trying to cripple his ability to govern for the rest of his term. And they are not far from succeeding. Will Bush fight back?

This does not mean defending everything his administration has done indiscriminately, of course. It may be, for example, that Attorney General Gonzales and Deputy Attorney General McNulty should go. Then get rid of them now. Appoint strong conservatives to replace them. And insist on their prompt confirmation.

Senate judiciary chair Pat Leahy threatened last week to hold up any such confirmation until his committee had access to testimony from Karl Rove. Why do the Democrats want Rove to testify? The Senate Democratic whip, Dick Durbin of Illinois, gave the game away in a recent interview with the *Chicago Sun-Times*'s Lynn Sweet. Durbin explained that he wants Rove to testify so he can be forced to answer questions about "how much did the president know" and what did he do. Durbin wants to destroy the possibility of confidential communications between the president and his White House staff.

And that's not all. If Rove were to be sworn in as a witness, Durbin continued, the committee would want to know, "What else was Karl Rove doing when it came to other activities, departments of the government?" In other words: Democrats want a fishing expedition. Bush needs to be unequivocal that his White House aides will not testify. And if Leahy holds up confirmation hearings for the nominee for attorney general—if there is one—Bush needs to make his man acting attorney general in the meantime, rather than allowing Democrats to impede his ability to govern.

There is much else that Bush could do to show strength and remoralize his supporters. He could pardon Scooter Libby—now. When his top communications aide, Dan Bartlett, leaves, Bush could replace him with someone aggressive and conservative. And he could order his administration to battle for its initiatives and its people.

Here's a small but revealing example of the current situation. Last week, the White House withdrew the nomination of St. Louis businessman and philanthropist Sam Fox to be ambassador to Belgium after John Kerry threw a fit about Fox's having given money in 2004 to the Swift Boat Veterans for Truth. Kerry tried to insist that Fox apologize for his donation. Fox, a man of stature and dignity, refused to pretend to be contrite. Kerry bludgeoned Senate Foreign Relations Committee Democrats into opposing Fox—which was not so easy, as Fox had wide and bipartisan support in Missouri and beyond. But the White House did nothing, and Democrats fell into line behind Kerry.

Sam Fox won't be an ambassador, but maybe the White House can learn from his experience. Refusing to yield to Kerry's bullying, Fox defended his contribution: "I did it because politically it's necessary if the other side's doing it." The other side is doing it in spades right now. If Bush doesn't fight back, the wreckage will extend to the few issues Bush has been vigorous on, such as Iraq. Even as Gen. Petraeus makes headway, even as John McCain demolishes the arguments of his Democratic colleagues, it will be increasingly difficult to maintain support for the war if the administration is in free fall.

Many Republicans may be tempted to give up in exasperation on a Bush administration that often seems incapable of defending itself. This would of course be bad for the country, leaving the nation at the mercy of the Democratic Congress for the next year and a half. But it would also be a political mistake. Even though Giuliani and McCain and Romney and Thompson have a fair amount of distance from the Bush administration, there is almost no precedent for a party's retaining the presidency if the outgoing administration ends its term in a shambles. So if Republicans—even not-particularly-Bush-friendly Republicans—want to save the country from a Democratic president and a Democratic Congress in 2009, with all that implies for foreign policy and the Supreme Court, they need to fight to save the Bush administration. It would be helpful if Bush would fight too.

—William Kristol

Waiting for Gonzales

Can the attorney general survive?

BY TERRY EASTLAND

Toward the end of his long day testifying before the Senate Judiciary Committee on March 29, Kyle Sampson offered this rueful judgment: "Looking back on all of this, I wish we could do it over again. . . . In hindsight, I wish the department hadn't gone down this road at all." The former Justice Department lawyer was referring to the removal of eight U.S. attorneys, which ignited a political firestorm that has yet to run its course. As the manager of the process that led to the firings, Sampson told the senators earlier in the day that he felt "honor-bound to accept my share of the blame." He resigned on March 12.

The question that Sampson's testimony invites is whether Attorney General Alberto Gonzales, whom Sampson served as chief of staff and who, with former White House counsel Harriet Miers, was ultimately responsible for deciding the fate of those eight U.S. attorneys, will likewise wish the department had declined the disastrous road taken—and even decide to resign.

In his opening statement, Sampson described the process he ran and the decisions it yielded. Problems ensued when "members of Congress began to raise questions about these removals." Justice's response was "badly mishandled." There were "poor judgments, poor word choices, and poor communication and preparation for the department's testimony before Congress." In sum, the decisions to remove the U.S. attorneys were "properly made but poorly explained. This is a benign rather than sinister story."

Associated Press / Susan Walsh

Kyle Sampson, arriving at the judiciary committee, March 29

The case has yet to be made that the story is sinister—in the sense that the removals were intended to thwart or hasten a given investigation or prosecution. And Sampson did testify—under oath, by the way—that, so far as he knew, none of the removals was undertaken with such illicit purpose, notwithstanding any appearance to the contrary.

But the problem that the probing by senators on both sides of the aisle laid bare is that the process was seriously flawed. The decisions were not sufficiently considered. Nor were their political consequences adequately assessed. Alabama Republican Jeff Sessions, a member of the Judiciary Committee and a former U.S. attorney, faulted "the team at Justice" for its "lack of comprehension" that removing and replacing U.S. attorneys would raise "sensitive and difficult" issues. Gonzales is on the hot seat because the process was under his authority and thus subject to his management; and because, too, Gonzales, as attorney general (and indeed one who served previously as White House counsel), must beware of actions that, however compelling they may seem at the time, eventually weaken a presidency.

The idea of replacing U.S. attorneys originated in the White House—presumably with the okay of the president—after the 2004 election and was delegated to the attorney general, who has supervisory authority over U.S. attorneys. As an associate White House counsel from 2001 to 2003, Sampson had been involved in the selection of U.S. attorneys (nominated by the president and subject to confirmation by the Senate, there are 93 in all). Gonzales gave the project to Sampson, whose various jobs in the administration (he was also a staffer to Attorney General John Ashcroft), made him an understandable choice.

There was an initial decision to make: whether to remove all 93 U.S. attorneys or some subset. Figuring (wisely) that removal of all—an action without precedent save at the very beginning of a presidency—would be too much to attempt, Sampson concluded that only those who had completed their four-year terms should be considered, and he estimated that about 15 to 20 percent of the 93 would be removed—roughly 14 to 18. Of course, not that many were let go. But the number removed still was unusually large. And given expectations by some U.S. attorneys that they may hold office beyond

Terry Eastland is publisher of The Weekly Standard.

four years (though in fact they serve at the president's pleasure, and can be removed for any reason or none), and given, too, the Senate's historic role in recommending U.S. attorneys, Sampson, as his emails show, was aware of objections that could arise both among U.S. attorneys and from the Senate.

Sampson discussed with the committee the criteria he used to evaluate U.S. attorneys. Notwithstanding excellent performance in other respects, a U.S. attorney failing to support the law enforcement priorities of the president and the attorney general might well become a removal candidate. Sampson kept a file in the lower right-hand drawer of his desk. It held lists of removal candidates, notes, and things sent to him by others in the department. He described himself as "an aggregator of information." The process he managed was "not scientific, nor was it extensively documented." He added: "That is the nature of presidential personnel decisions." No senator asked whether removal of a U.S. attorney, as opposed to his selection, might entail some documentation of the decisions made, especially in anticipation of public discussion of the validity of a given removal.

According to Sampson, Gonzales was involved in the process, but not deeply. He discussed matters at least five times with Sampson, and ultimately signed off on the eight removals, neither adding to nor subtracting from the final list. Sampson testified that Gonzales's interest seemed primarily procedural—he wanted to make sure Sampson solicited the views of senior department officials. The Justice Department seconded this view of Gonzales's role in a statement it issued as Sampson's testimony came to an end. The statement characterized Gonzales's involvement this way: "He directed Mr. Sampson to lead the evaluation process, was kept aware of some conversations during the process, and . . . he approved the recommendations to seek the resignations of select U.S. attorneys."

By Sampson's account, Gonzales apparently did not discuss with him the evaluation criteria or their application in specific cases. Nor, it seems, did Gonzales ask how a given removal might be perceived—Sampson in fact apologized for "a failure on my part" to consider perception in instances where the removed U.S. attorney was pursuing investigations or prosecution of Republicans. It remains a question whether Gonzales asked how the removals might be received in Congress, even by allies—Republican senator Jon Kyl of Arizona spoke during Sampson's hearing of his "shock and dismay" upon learning of the removal of the U.S. attorney from the District of Arizona and said he asked the attorney general to explain the reasoning behind it.

Likewise, it is unknown whether Gonzales asked how the removals might affect the president's ability to govern late in a second term with Democrats in control of both houses and prepared to use virtually anything to ratchet up their attacks on the administration. Or whether an aggravated Congress might, in response to the removals, pass legislation—as it is now doing, overwhelmingly—that would restore judicial authority to name interim U.S. attorneys, a power (rightly, because it belongs with the executive) taken away from the courts in legislation enacted just a year ago. Amazingly, an administration committed to the preservation of executive power is now haplessly watching a legislative victory for that authority (however small) being turned into a loss.

Questions like those might have led to consideration of the fundamental one of whether the removals should have been undertaken at all. It could have been argued that the administration has other, more compelling labors, such as in Iraq, that will require what little political capital the White House has at its disposal. On April 17, the attorney general is scheduled to appear before the committee. ♦

Do Campuses Tilt Left?

Yes, Virginia, faculty bias does exist.

BY MARY EBERSTADT

Every once in a while, something you read is so otherwise inexplicable that satire seems the safest bet. Take my accidental encounter last week with a recently released paper, commissioned for reasons inscrutable by the American Federation of Teachers, AFL-CIO, called "The 'Faculty Bias' Studies: Science or Propaganda?"

Perhaps the most unintentionally entertaining report to issue from social science in many a sabbatical, this document argues in all apparent seriousness for what may be the most counter-intuitive ruling since the O.J. Simpson verdict. Several studies documenting left-wing bias among college professors, the AFT paper claims, are so methodologically flawed that "none gives readers the confidence in the conclusions that a well-designed study should provide"—those conclusions being, of course, that there is a pervasive political bias among the faculty on many American campuses, and that the bias in question overwhelmingly tacks port.

I say "apparent seriousness" becauses so perverse is this report in conception and so quixotically oblivious to the inescapable facts, that it might easily be mistaken for a sendup. And so two-thirds of the way through a first scanning of its summary I concluded that some Swiftian wit had pulled off a brilliancy here. How else to explain a finding like, "It is not possible with any precision to calculate a ratio of Democrats to Republicans at the sampled institutions"? Or the closing admonition, addressed to *critics* of liberal-left bias on campus, that "passing off personal opinions as facts is not science"?

What a nonscientist might call the real facts about campus bias can readily be found elsewhere—if not on every campus, then certainly on every elite campus (the AFT report laments that community colleges have not been sufficiently represented in the samples). Those real facts are also on entertaining parade in one essay after another of a book I recently edited called *Why I Turned Right: Leading Baby Boom Conservatives Chronicle Their Political Journeys*. In a genuinely unexpected outcome, the single most common characteristic of these particular political conversion stories was precisely: radicalization rightward in reaction to an overwhelmingly left-biased humanities faculty on one elite campus after another.

In fact, it is no exaggeration to say that bias on campus not only *influenced* this generation of conservative journalists, authors, and think-tankers; it is actually part of what *catapulted* many out of the university and into the ranks of the right. Those who would prefer not to acknowledge the problem, such as the author and consumers of the AFT report, do themselves no favor by pretending it does not exist. Ironically, by encour-

Mary Eberstadt is a Taube Family Foundation fellow at the Hoover Institution, author of Home-Alone America, *and editor of the recently released* Why I Turned Right: Leading Baby Boom Conservatives Chronicle Their Political Journeys *(Simon and Schuster/Threshold).*

aging ideological blowback, they may actually be creating another generation of academic refugees.

To give just a few examples from what could be a longer list: "I watched with horror as the multicultural yahoos took over the humanities" (the Manhattan Institute's Heather Mac Donald). "I'd been preaching freedom of speech, but I had to leave the academy for the world of policy think tanks before I'd ever get a chance to practice it" (Ethics and Public Policy Center senior fellow Stanley Kurtz, formerly of Berkeley, Chicago, and Harvard). "Of course the vast majority of the faculty [at Harvard] were on the left" (Hoover Institution senior fellow and former Harvard professor Peter Berkowitz). And perhaps most tellingly: "Because I studied neither economics nor Straussian philosophy [at the University of Chicago], I never met a conservative professor, and I knew only one conservative student" (David Brooks)—this, about the one and only top-twenty campus in America that is supposed to be at all friendly to conservative ideas.

Are things any better now in the groves than they were 15, 20, or 25 years ago? Talking the other week with a dozen or so college students at CPAC (the Conservative Political Action Conference) didn't suggest as much; my sample felt as embattled, and as energized by being embattled, as many of the authors in the anthology. Admittedly, neither *Why I Turned Right* nor the CPAC minglings adds up to a scientific study whose methodology would pass muster with the sort of gatekeeper who puts the words "faculty bias" in quotation marks. On the other hand, who needs social science to settle this?

Let's try instead Dr. Johnson's famous method of critiquing Bishop Berkeley's "idealism" (he kicked a stone and said, "I refute it thus"). A high school senior of my acquaintance recently was interviewed for admission to an Ivy League school. Because he is interested in government, he asked about the political scene on campus—specifically, whether there was any variation of opinion among professors there. The response was immediately reassuring. Despite what the young man may have heard, this alumnus of the institution told him, there was real diversity on this campus. Such diversity! In fact, this alumnus could actually name a professor in the arts college as a known man of the right.

As it happens, I know that professor. He is the same faculty member who was the only non-liberal/left member of that same faculty two decades ago, when I happened to attend that university myself. That's what is meant by "diversity" on campus. And there, with all due respect to the social scientists and the methodological nitpicking of their "faculty bias" study, is just one among many stones one could kick to refute anyone who suggests otherwise. ♦

Michael Ramirez

California Behind Bars

Overcrowding, unionization and other prison problems. BY DAVID DEVOSS

Lancaster, Calif.

Surrounded by subdivisions with names like Almond Valley and Sierra Vista, the California State Prison in Lancaster looks more like an industrial park than a maximum-security facility. But the lethal throb of high voltage electricity coursing through its double-perimeter fence leaves no doubt that this is a place one enters with trepidation.

"This prison opened in 1993 with a capacity of 2,200, but today we have 4,300 prisoners, 468 of which are in temporary beds," says warden William Sullivan as we stroll across a common monitored by marksmen in looming guard towers. "I get 200 new inmates a week and 8,000 more are waiting in L.A. County jails for room to move in here."

The extent of the crowding becomes apparent when we enter a gymnasium filled with rows of bunks stacked three high. More than 120 prisoners wander through the maze of beds waiting assignment to other prisons. That they live in relative peace is due to the small platoon of grim-faced guards arrayed about the room like Stations of the Cross.

"Right now everybody's getting along, but things could turn in a minute," confides Royce Gresham, a 26-year-old car thief who had the misfortune to be randomly stopped at a sobriety checkpoint while on parole. "It's scary," he whispers. "People with light sentences are mixed with lifers coming through here with nothing to lose."

A short walk away in a nearby block, 200 men, many of them covered with pornographic tattoos and screaming profanities, are kept locked in their cells because the day room where they ordinarily congregate is filled with dozens of bunk beds. "California built double bed cells with the understanding that inmates could leave them for classes and other programs during the day," James Tilton, the newly appointed secretary of California's Department of Corrections and Rehabilitation (CDCR), yells over the din. "But how can we have programs when inmates are stacked to the rafters?"

Of the many unpleasant tasks with which state governors must deal, prisons probably rank at the top of the list. Unlike education, infrastructure, and the environment, prisons have no natural constituency. Most states have a prison policy that can be summed up in one sentence: Get the bastards off the streets.

Over the past quarter century, California has done exactly that. The main tool prosecutors use is a "Three Strikes" law that mandates lifetime incarceration for people convicted of three felonies. It's a great law. Since its adoption in 1994, thousands of the state's most violent offenders have been locked away for good. Unfortunately, these sociopaths all too often are joined behind bars by nonviolent drug offenders, technical parole violators, and people who are more mentally ill than criminal.

Tough-on-crime sentencing enhancements, less discretion for trial judges, and the switch from indeterminate to fixed sentencing have resulted in a 600 percent increase in California's prison population between 1980 and 2006. Designed to hold 81,000 inmates, California's 33 prisons now house close to 174,000 men. Crowding is so intense that 16,000 convicts sleep in hallways, classrooms, and other areas not intended for habitation. Projections indicate that 23,000 additional inmates will be added within five years, which could prompt a corresponding jump in a suicide rate that already is twice the national average for prisoners.

Declaring the prison system a "powder keg," Gov. Arnold Schwarzenegger earlier this year announced a $10.9 billion prison expansion program. But with the state already $5.5 billion in debt, there is little enthusiasm for building more prisons when bridges, schools, and freeways also need improvement. Indeed, a recent poll conducted by the Public Policy Institute of California found that more than half of the state's voters oppose using new state revenues for prisons.

Schwarzenegger has little room to maneuver. One year ago a federal court-appointed receiver took command of inmate medical care. The courts also oversee juvenile programs, parole issues, and mental health and dental care.

Judicial oversight does not come cheap. Empowered with other people's money, federal courts have ordered the CDCR's Division of Juvenile Justice to spend approximately $120,000 on each of the state's 2,700 juvenile wards. Increased funding for medical programs has driven up the cost of maintaining an adult inmate to $43,287 a year—a sum that would more than cover the housing and feeding of low-risk convicts in Best Western motels.

Three federal courts propose to cap California's inmate population, the ultimate Procrustean solution to prison overcrowding. Meanwhile, the state's most liberal U.S. district judge, Thelton Henderson of San Francisco, is prepared to go even further. He is threatening to release prisoners early if the state does not reduce the crowding problem by June.

In reality, felons already are being

David DeVoss, editor of East-West News Service, is based in Los Angeles.

released back into the community. Twenty California counties have court-ordered population caps on their jails. An additional 12 counties have imposed population caps on themselves to avoid costly litigation. These population caps mean that someone must be released when a new inmate is admitted to a full jail. As a consequence, 233,388 individuals avoided incarceration in 2005, or were released early from county jail sentences, because of a lack of space.

Schwarzenegger inherited most of the present prison problem from his predecessor Gray Davis who, in return for massive political contributions from the California Correctional Police Officers Association (CCPOA), closed four nonunion prisons and then gave the state's 32,000 prison guards a 30 percent raise. Today the average salary of a prison guard, $70,000, can easily climb above $100,000 with overtime.

The CCPOA may be the state's most powerful employee union. Certainly it is the most adept at gaming the initiative process. In 2004, it defeated a proposition that would have limited the Three Strikes law to violent felonies. That same year it also thwarted Schwarzenegger's effort to create alternatives to prison for low-level parole violators. In 2006, CCPOA money was decisive in passing a California version of Jessica's Law and preventing a special legislative session from making progress on the overcrowding issue. (Politicians did agree, however, to curtail the practice of shackling pregnant offenders during childbirth.)

The union's most recent victory occurred in February when it went to court to block the governor's attempt to reduce overcrowding by transferring prisoners to private facilities in Arizona and Tennessee. "We believe corrections is inherently a governmental function, and the court agreed," says CCPOA spokesman Lance Corcoran. "The badge should represent the People, not Acme Corrections."

Thirty years ago, California prisons stressed rehabilitation. Inmates received indeterminate sentences that could be whittled down with good behavior, academic study, and work in a prison industry. In 1976, after courts throughout the United States mandated more specificity in sentencing, California abolished indeterminate sentencing and discretionary parole release. Henceforth, the severity of the offense, not the character of the offender, would determine the length of a sentence. Determinate sentences that allowed a prisoner to

Muffled Voices from the Hole

Until they relented to political pressure last week, the California Department of Corrections and Rehabilitation and the prison guards' union, where real power is vested, wanted to discontinue the Honor Program at the California State Prison in Los Angeles County despite its measurable success. The reversal allows the program's 1,000 prisoners to remain segregated, but does nothing to correct the flaws endemic to the entire system.

Locked down for months at a time, the program's creator, Ken Hartman, was placed in solitary confinement in The Hole after he started a website arguing for the Honor Yard's right to exist. The three prisoners quoted here were unable to call out of the prison but responded to questions about the program and the guards who wanted to kill it with written responses smuggled out of the prison.

★★★

The stabbing ratio per inmate in the Honor Yard is the lowest in the state [prison system] and actually better than some small towns with a similar population. In return for this safest of yards I had to sign a document swearing that I wouldn't attack anyone and that I would submit to random drug tests. That's a fair trade.

Saint James Harris Wood, 51, serving 23 years for second-degree robbery

Inmates in some of the more violent prisons see Honor Program supporters as "working for the other team." According to hardcore prison protocols, inmates are not permitted to relate to the staff or administration in a mature manner.

Cole Bienek, 38, serving 16 years to life for second-degree murder

Being placed in the hole is a traumatic experience. You are separated from your property, your regular program, the telephone, all of the little accoutrements of a prisoner's life that make this experience tolerable. It starts by being strip-searched and placed in a separate building by yourself. It is no coincidence that suicide rates in the hole are vastly higher than in the [general prison] population.

Ken Hartman, 46, life sentence for murder

Lancaster has had four wardens over the past five years and three of them won't support the program because of the guards' union. I can't help but compare the guards who are against us to the unreasonable convicts among us who believe that brute force is the answer to everything.

Saint James Harris Wood

The CCPOA [guards' union] doesn't care whether or not there is an Honor Program. They see prisoners as animals, vicious predators who will descend into violence at the drop of a hat.

Cole Bienek

With a minimal amount of effort, and a truly revolutionary change in the mindset of the prison system, most yards could function as well as this one. If this happened, and we have proved it can, the mentality of combat and violence that defines the current approach would have to be abandoned.

Ken Hartman

know exactly how much time he had to serve were seen as a victory for inmates. They weren't. Prevented from getting out early, inmates had no incentives for good behavior. Neither did prison officials see the need to rehabilitate convicts who would be staying for longer periods of time.

California's failure to rehabilitate its prisoners fuels the cycle of violence. Of the approximately 120,000 inmates released annually, about 70 percent return to prison within 24 months.

The philosophical shift from rehabilitation to punishment has made prisons unbearable. Just ask Pat Nolan, the former Republican leader of the California Assembly who in 1994 was caught in an FBI sting, charged with racketeering, and spent 29 months in a federal penitentiary.

"People don't get a second chance inside a California prison," says Nolan, now a vice president with the Prison Fellowship ministry. "It's like Dante's *Inferno*—'abandon hope all ye who enter here.'"

Denied the ability even to study for the GED, equivalent to a high school diploma, much less to envision a better life, many inmates lose themselves in drugs or seek protection from gangs. "The main problem with some California prisons is living day after day with the idea that something might go wrong at any time," says Saint James Harris Wood, 51, a Lancaster inmate serving 23 years for second-degree robbery. "Before arriving here, I could be on the yard playing cards, bearing no grudges against anyone, and if the white 'shot callers' decide to start a riot I have to jump and easily could be killed over an issue unknown to me."

For Harris Wood, life in prison changed dramatically two years ago when he arrived at the Lancaster State Prison and discovered the Honor Program. Organized by inmates and open to prisoners without discipline problems, the program allows prisoners who promise not to fight or use drugs and agree to disavow racism to live together away from the gangs.

David DeVoss

Overcrowding at the California state prison in Lancaster

The program has produced an 85 percent decline in violence and 88 percent reduction in weapons-related incidents, according to state senator Gloria Romero, who chairs the California Assembly's Senate Public Safety Committee. There have been cost savings of $200,000 from the reduction of staff time needed to document violent incidents.

Yet despite the program's success, both the department of corrections and the union have doubts about its worth. "I suspect that many of those in top administrative positions simply cannot grasp the concept of rehabilitation," said convicted murderer Ken Hartman in a letter to this reporter smuggled out of the prison. "They fear this program will topple their empire of concrete and razor wire."

Says one civilian employee of the Lancaster prison who requests anonymity for fear of retaliation, "These men [in the Honor Program] don't want to fight, but the guards call them names trying to provoke a response. Their idea of rehabilitation is to keep people in a cage and poke them with a stick."

Faced with the specter of prisoners being released, California's legislature finally seems ready to reform parole, establish rational sentencing guidelines, and move low-risk offenders to community detention facilities instead of massive state prisons.

"What has been lacking is the political will to solve the problem," the state's Little Hoover Commission noted in a recent report. "Lawmakers afraid of being labeled 'soft on crime' have allowed the correctional system to decay and as a result of their negligence, California spends more on corrections than most countries in the world, and reaps fewer public safety benefits."

"We can start by finding a more appropriate way to deal with those prisoners who are serving 25-year mandatory minimum sentences for nonserious, nonviolent third strikes," says Sharon Dolovich, a Cambridge Ph.D. who teaches prison law and legal ethics at the UCLA Law School. For Gov. Schwarzenegger, who's been calling for action since taking office four years ago, the time seems right. ♦

DeMint Condition

South Carolina's junior senator is a rising GOP star. BY WHITNEY BLAKE

Being in the minority in the Senate is not necessarily fatal. Ask Jim DeMint of South Carolina, chairman of the Senate Steering Committee, a caucus of conservative senators that includes most of the Republican Conference. DeMint has managed to wage and win a handful of battles since the Republican reverses in the midterm elections, drawing on a disarming personality and keen political acumen, and fortified by unwavering conservative convictions.

It all started with his crusade against pork in the lame-duck session of Congress late last year. DeMint, along with Tom Coburn of Oklahoma, set out to eliminate 10,000 earmarks from various bills. They managed to block passage of an "omnibus" bill, forcing Congress to pass a continuing resolution, which maintains spending at the level of the previous year. The CR expired on February 15, and Senate majority leader Harry Reid agreed to pass a CR for the next fiscal year. DeMint views this as a "pretty stunning development," although he ended up voting against the final version on principle because it contained new loopholes for earmarks.

DeMint didn't stop there. He challenged the Senate version of a reform bill that would have required the disclosure of a mere 2 percent of earmarks. Instead, he proposed incorporating House speaker Nancy Pelosi's stronger version of earmark disclosure, which the House had already adopted as part of its rules. Reid proposed tabling DeMint's amendment, but his motion failed by a vote of 46 to 51, and the amendment passed unanimously. While the bill awaits a conference with the House, DeMint proposed incorporating the reforms in the Senate rules by unanimous consent so they would take effect immediately, but the Democrats blocked that motion just last Thursday.

DeMint can put a feather in his cap for shutting down what he calls the "earmark favor factory," at least for a year. Steve Moore of the *Wall Street Journal* calls DeMint the "taxpayers' greatest ally," personally responsible for saving about $17 billion through the first CR. Moore sees DeMint and Coburn as a tag team: DeMint is the behind-the-scenes "utility infielder," Coburn the "lightning rod."

Eliminating pork is not the only way DeMint has sought to improve government. He has been out front on tax cuts, Social Security reform, health care reform, and education reform since he entered the House in 1999. Elected to the Senate in 2004, he was ranked the most conservative senator in 2006 by *National Journal* and the third most conservative in 2005 by the National Taxpayers Union. He introduced an amendment to repeal the estate tax permanently, and in 2005, with fellow South Carolinian Lindsey Graham, he called for an overhaul of the tax code—abolition of the federal income tax and its replacement with an 8.5 percent sales consumption tax and an 8.5 percent tax on business profits, with a rebate for those below the poverty line. And he has stood by President Bush on Iraq.

In his short time in the Senate, DeMint has garnered the support of his fellow Republicans on some measures, but not all. Similarly, he's sometimes persuaded leaders on the other side of the aisle to cosponsor legislation, but also has had run-ins with liberal colleagues.

Not unexpectedly, DeMint's hardline positions have caused headaches in his own party. When he held up the omnibus budget bill last fall, some Republicans who had inserted earmarks criticized him, and some went so far as to incite veterans groups to protest vociferously and turn out press releases smearing DeMint. One DeMint aide said it was lonely at times, with barrages coming from both left and right. DeMint admits that it's a balancing act to maintain strong relationships with fellow senators while pushing for reforms.

DeMint tries to use his post as steering committee chairman to guide Republicans in the "right direction." He urged a potential presidential veto of the recent 9/11 Commission recommendations bill if it included collective bargaining for airport security screeners, and mustered 36 signatures to this effect, more than needed to prevent a veto override, sending a clear message to Democrats. In the end, 38 Republicans voted against the Senate's version of the bill when it passed on March 13.

The Republican leadership in the Senate under Minority Leader Mitch McConnell faces pressure to compromise with Democrats in order to rack up some legislative accomplishments. One leadership aide says DeMint cares more about doing the right thing than making everybody happy. As steering committee chair, he is always going to have problems with the leadership. DeMint speaks for himself and the conservative bloc; McConnell speaks for all Senate Republicans.

Despite their different functions, however, DeMint and the leadership have a strong relationship. McConnell calls himself a "big DeMint fan," pointing out that DeMint—a free trader from a protectionist state—is willing to go against the grain. When asked whether DeMint will become

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the next Jesse Helms, holding up bills and sometimes irritating fellow Republicans, McConnell says DeMint has a "different operational style."

DeMint can afford to be a maverick of sorts in the Senate. As Sen. John Thune of South Dakota points out, he is in a "safe political situation," he operates "in a nonconfrontational way," and the Senate is a "great place for one person to affect things" since any senator can block a bill from passing with unanimous consent and so slow down the legislative process. (These kind words, it's worth noting, come from a senator whose pet project—a $2.3 billion loan for a company that had employed Thune as a lobbyist and had contributed to his campaign—was axed by DeMint and Coburn.)

In addition to upsetting some Republicans, DeMint has fired up liberal interest groups, chief among them labor unions, which were incensed by DeMint's efforts to kill the measure that would have allowed Transportation Security Administration unions to engage in collective bargaining on behalf of the workers. They were also miffed at DeMint's efforts to codify Homeland Security regulations preventing serious felons from working in security areas at seaports. DeMint's amendment passed 94-2.

The contents of this amendment had been part of the original SAFE Port bill, but had been killed before the bill became law in October 2006. The International Longshore and Warehouse Union boasted in its October newsletter of having convinced legislators to "strip the amendment down to four disqualifier crimes: an act of terrorism, espionage, treason, or sedition." The crimes the ILWU had removed from the bill included improper transport of a hazardous material, unlawful use of an explosive device, murder, assault with intent to kill, kidnapping or hostage taking, rape or aggravated sexual abuse, unlawful use of a firearm, and immigration violations. A DeMint official told me that no Democrats are willing to debate which crimes to omit, or willing to take credit for gutting them previously in committee.

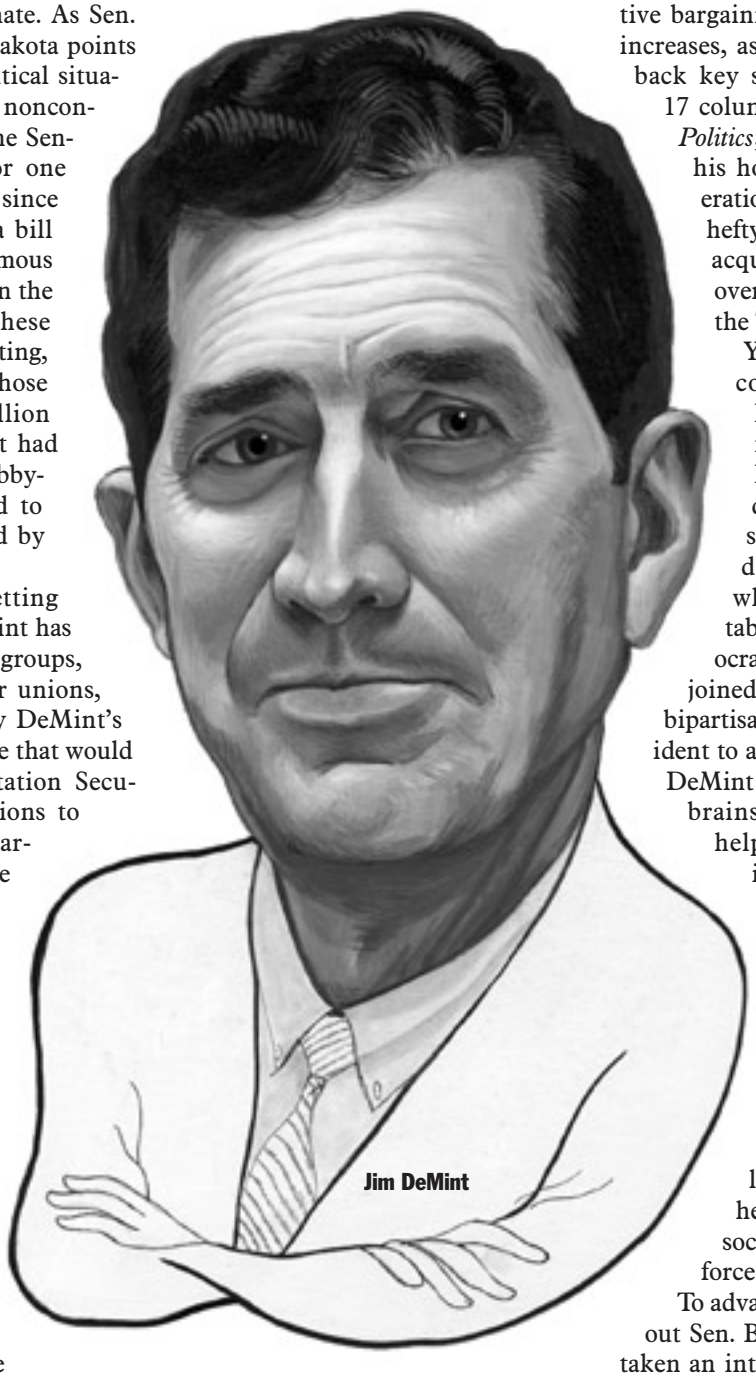
Jim DeMint

Illustration by Earl Keleny

DeMint dismisses most of the legislation the new Democratic majority has introduced, including collective bargaining and minimum wage increases, as "just for show" to pay back key supporters. In a March 17 column posted on *RealClearPolitics*, DeMint conceded that his hope for bipartisan cooperation is now "tempered by a hefty dose of political reality" acquired through the fight over collective bargaining at the TSA.

Yet DeMint has found common ground with Democrats on other issues. Nine Senate Democrats aided his quest for earmark disclosure, along with Independent Joseph Lieberman, who helped defeat Reid's tabling motion. And Democrat Ron Wyden of Oregon joined with DeMint to form a bipartisan group urging the president to act on health care reform. DeMint says he and Wyden have brainstormed about how to help people get privately insured without raising spending or taxes. Despite their different philosophies, both prefer the private system to socialized care.

Education is another area where DeMint has worked across party lines. Some Democrats, he feels, see education as a social program, not a "workforce development program." To advance his vision, he sought out Sen. Barack Obama—who had taken an interest in Pell grants (and worked with Coburn on earmark disclosure)—in June 2006 to discuss creating Pell-type grants at the high school level. In late September, the two unveiled the Education Opportunity Act, which would provide aid for

low-income students to take classes at community colleges, since Advanced Placement courses aren't offered in many low-income districts. An aide to Sen. Obama noted that while this initiative hasn't gone far, the two offices are pursuing other education plans.

And recently, DeMint joined with another Republican, John Cornyn of Texas, to introduce the A-PLUS Act, which would give states more autonomy in deciding how to meet the standards set forth in No Child Left Behind. Part of the idea is to foster competition between states to develop the most effective ways of spending federal dollars.

Despite the victories in numerous areas, at the end of the day you can't win every battle, especially in the minority.

On Social Security, DeMint acknowledges that the chances of passing private accounts are slim to none. He doesn't understand the opponents' logic—in his words, "It's risky to save and invest it, but it's not risky to spend it." At the time of our interview, he had hopes for the passage of an amendment that would ban the spending of the Social Security surplus and set it aside in a reserve fund, but the amendment failed again on March 22, by a vote of 45-52.

DeMint's ability to carry the mantle for conservative policies, yet work well with those he disagrees with, stems from a disposition that is both congenial and determined. One longtime high-ranking Senate official recalled how DeMint stood his ground after he'd killed the omnibus appropriations bill last year and everyone was coming after him. It was an important moment for the party, said the official. It meant that the Republicans' last act in the majority was not the passage of a bill with 10,000 earmarks, which would have demolished any credibility they might have claimed when the Democrats took over and tried to pass their own spending measures.

Similarly, DeMint's invocation of a presidential veto threat shows that he knows when to weigh in and when to hold back. Steve Moore calls him a "maestro of legislative process," who can be the quietest person in a meeting, and then "strategically intervene" at the opportune moment. Nonthreatening and laid back, DeMint doesn't come across as a "bomb thrower."

Others are starting to notice his leadership ability. Brian Darling, director of Senate relations at the Heritage Foundation, contends that DeMint has come to the "forefront of the conservative movement" in the past two months, having been in the middle of all the major battles of the 110th Congress. In Darling's assessment, with Republicans in the minority, conservatives have the freedom to block or promote legislation without waiting for leadership approval. DeMint fired the "first shot" in the conservative battle against wasteful spending. Although he's a team player, DeMint is not afraid to buck the Bush administration, something Darling sees as an important leadership quality. DeMint's A-PLUS plan has been privately criticized by the administration, but to DeMint, conservative principles trump party loyalty.

While most politicians have refrained from taking sides in the '08 primaries this early, DeMint has already pitched his stake in Mitt Romney's tent.

OMB director Rob Portman, who worked with DeMint on numerous issues when they were both in the House, then when Portman was U.S. trade representative, has only kind words for the senator. He describes him as a politician who will stick to principle, placing little value on his popularity ratings on Capitol Hill. The two communicate weekly, and they see eye to eye on issues such as trade with China and earmark transparency. They also have their share of differences; while DeMint views the CR as a top accomplishment, Portman hopes that that it won't render the normal appropriations process obsolete.

The CR and earmark reform are important to the ongoing work of repairing the Republican image, DeMint believes. He saw the midterm elections as a call to action and part of a "healthy process." With their earmarking and corruption, Republicans had gotten "off track" and strayed from conservative ideas. In his keynote address to this year's Conservative Political Action Conference, DeMint called on conservatives to "set the record straight and effectively articulate our mission, our values and our vision," adding, "We must be more than right, we must be smart."

As for the future of the party, while most politicians have refrained from taking sides in the '08 primaries this early, DeMint has already pitched his stake in Mitt Romney's tent. He calls Romney a "values-based conservative," saying "no one stands taller" in terms of character and record. DeMint especially praises Romney's original health care plan. As a former businessman himself—he founded and ran a research firm for 15 years—he appreciates the competitive, results-oriented mentality Romney honed by managing the Olympics, businesses, and the commonwealth of Massachusetts.

As for his own future, DeMint says he is tempted to go back into business. For the time being, though, Social Security reform, tax cuts, health care reform, port security, and education reform, not to mention the never-ending mission to curb excess spending (such as $25 million for spinach producers slipped into the emergency war spending bill, which he forced out last week in a 96-1 vote) make for a full agenda. And if his colleagues and "fans" have anything to say about it, we may be following his political career for many years to come. ♦

The Unlikely Frontrunner

Is the GOP in for a Rudy awakening?

By Andrew Ferguson

Washington

Man oh man does this gun nut know how to play a crowd! Wayne LaPierre may have the moniker of a sitcom sommelier but he's got the lungs of a longshoreman. He's head of the National Rifle Association, and right now he's at the podium of the ballroom of the Omni Shoreham Hotel, leading the members of the Conservative Political Action Conference in a chanting denunciation of the panty-waist politicians and girly-boy journalists who have no respect for the right to bear arms. It's a multimedia presentation. Every now and then M. LaPierre breaks from his speech, and the vast screens hung from the ceiling on either side of him brighten with video clips. He shows a tape of Eleanor Holmes Norton, the District of Columbia's congressional delegate, telling a bunch of hecklers to "Pipe down!" at a gun control meeting.

When the tape ends LaPierre rises to his tiptoes.

"Pipe down?" he shouts. "Pipe down? Who does she think she is?"

The ballroom rocks with good-natured catcalls.

"Delegate Norton," says LaPierre, throttle out, "when we're talking about our constitutional freedoms, we will NOT be told to PIPE DOWN!"

I swear you could see the ceiling of the ballroom rise. M. LaPierre pushes it further still.

"We are Americans," he goes on, over the war whoops. "We are free!" More whoops! "And WE WILL NOT—PIPE—DOWN!"

And they don't—the CPAC activists pipe up, and up, and up. It's a glorious performance, a perfect fit between rouser and rabble. CPAC conventions distill the conservative movement, the ideological base of the American right wing, to its most concentrated form. The conventiongoers eagerly grab up the Ann Coulter duffels and the Hillary Barf Bags, festoon their shirtfronts with Bill "Pinocchio" Clinton buttons (him—*still*!), and when a red-meat slinger like LaPierre shows video of a mincing PETA activist—"I wish this guy would spend as much time doing his homework as he did doing his hair!"—he is guaranteed to receive a rollicking reception indeed. CPAC is what Democrats think the Republican party looks like.

LaPierre continues, and the temperature rises. Next he lights into Mayor Michael Bloomberg, "the mayor with big money in New York City—who'd rather attack *your* rights than throw the book at criminals. And not just in New York—he wants to impose New York City-style gun laws on *you*!" *Sssssssssss*—a young couple behind me press a rattlesnake hiss through clenched teeth. Then LaPierre takes off on all those candy-butt pols who supported the Clinton "Gun Ban of 1994," and the antihunting bluenoses, and the liberal media . . . until, after a ferocious tribute to the Founding Fathers, he leaves the stage to make way for the next speaker, who is none other than the former mayor of New York, Rudy Giuliani.

The juxtaposition of speakers is a sly joke on the part of the CPAC organizers, a bid to make the mayor feel just the tiniest bit unwelcome. LaPierre is a CPAC kind of guy, Giuliani not so much. Though he's supposedly unpopular with the party's right wing, the mayor's been invited because of his unavoidable place in the larger Republican party today. For Giuliani is two things at once: an apostate and a frontrunner—a Republican presidential candidate who leads all others in the polls despite holding several views that, judged by the standards of Republican orthodoxy, teeter at the edge of heresy.

Take Wayne LaPierre's issue of guns, for example. Giuliani has not only supported the anti-gun position of his successor Bloomberg, he was also a vocal proponent of that Clinton Gun Ban of 1994. When President Clinton encountered stiff resistance to the bill, Giuliani urged him to "go on the offensive," extend the ban, and "seek uniform laws on gun control throughout the country." As mayor he

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Lev Nisnevitch

Giuliani addresses the Conservative Political Action Conference.

joined a lawsuit against firearm manufacturers to recoup damages from criminals who used guns. He endorsed a federal licensing procedure that would be imposed on all 50 states, through which the feds would require that gun owners "demonstrate good moral character and a reason to have the gun," as Giuliani said in 2000, on *Meet the Press*. It's a good thing for Giuliani that Wayne LaPierre didn't bring *that* video clip along. I bet Wayne's got it back at the office somewhere, though.

If the CPAC organizers wanted to make Giuliani uncomfortable, they may have succeeded. He makes his way to the microphone to a polite round of applause. But he gives an oddly listless performance, and he declines to take questions. Giuliani is a professional speaker nowadays; it's how he makes his living, averaging over $8 million a year in speaking fees alone. He knows how to wow a crowd. But he can't wow this crowd, at least not the way LaPierre can, and he doesn't try. His speech wanders, arcing this way and that and returning now and then to a central touchpoint: Ronald Reagan, CPAC's patron saint. He mentions Reagan 14 times in fewer than 20 minutes.

"He is, in fact, one of my heroes," he says. "Ronald Reagan used to say, 'My 80 percent ally is not my 20 percent enemy.' What he meant by that is that we all don't see eye to eye on everything. You and I have a lot of common beliefs that are the same, and we have some that are different . . .

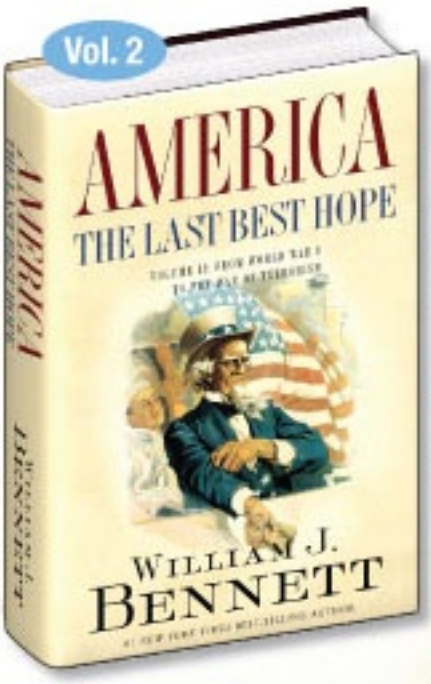
"And the point of a presidential election is to figure out who do you believe the most, and what do you think are the most important things for this country at a particular time."

He must have convinced some people. In the presidential straw poll of CPAC delegates, Giuliani got 17 percent of the vote. Former Massachusetts governor Mitt Romney, whose reception was nearly volcanic, won with 21 percent. It was a lucky stroke for all concerned that Wayne LaPierre wasn't on the ballot.

***

If Rudy Giuliani stays ahead in the national polls for the next 18 months and manages to win the Republican nomination, he will simultaneously lay claim to a number of "firsts." Not only will he be the first Republican presidential nominee to favor federal registration of gun owners, he will be the first to have endorsed Mario Cuomo for a major office (the governorship of New York) against a Republican opponent, and the first to have boasted of his philosophical kinship with a sitting Democratic president ("Most of Bill Clinton's policies are very similar to mine," he once told the *Village Voice*). He will be the first nominee to have marched in—and been asked to lead—a Gay Pride Day Parade, and to have endorsed "civil unions" between gay people, and to have signed a proclamation in favor of transgender rights. He will be the first nominee since Gerald Ford to have supported the unfettered right to abortion, and the first ever to have supported taxpayer funding for same.

Many Republicans will see these "firsts" as a great liberation for their party, which by nominating a candidate at odds with religious conservatives will have at last freed itself from its disastrous bluenosery. But it's unclear how Giuliani will view his firsts himself, or whether he will even lay claim to them. As he travels the country these days, talking himself up among Republican activists



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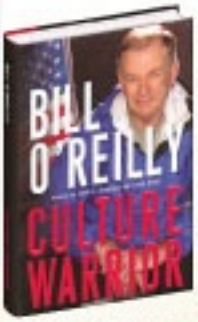

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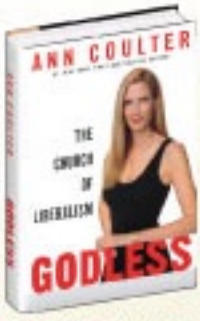

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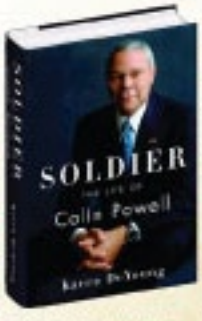

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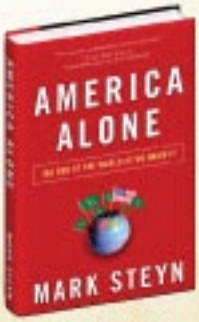

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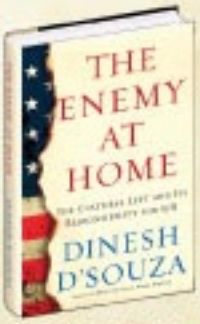

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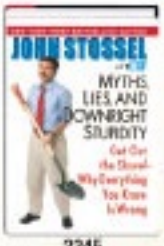

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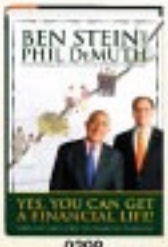

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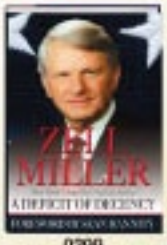

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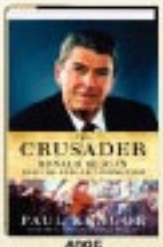

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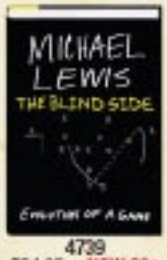

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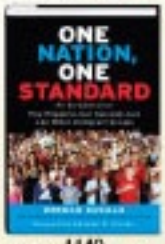

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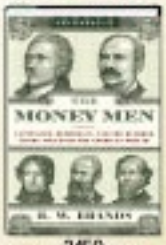

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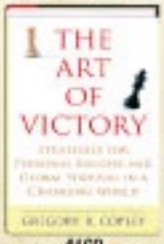

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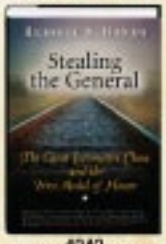

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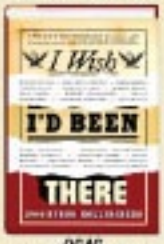

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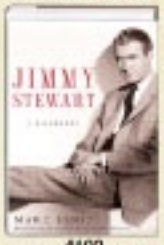

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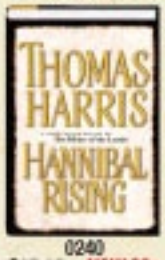

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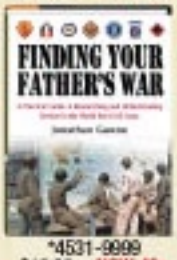

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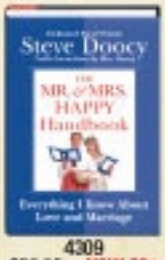

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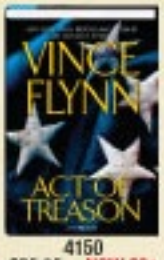

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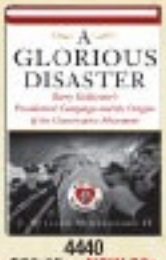

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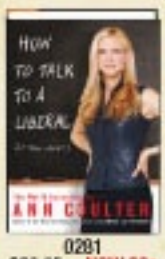

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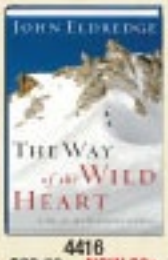

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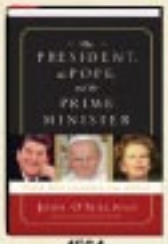

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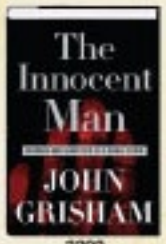

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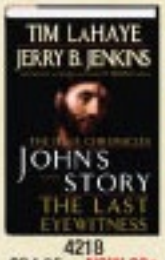

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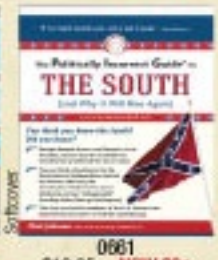

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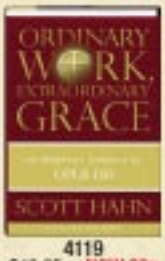

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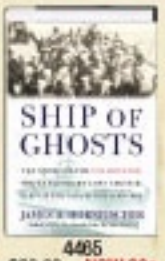

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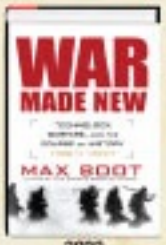

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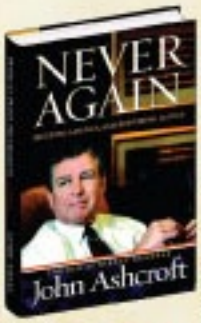

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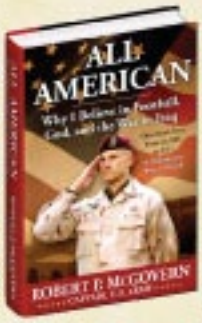

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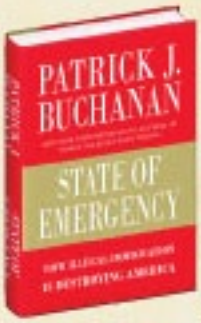

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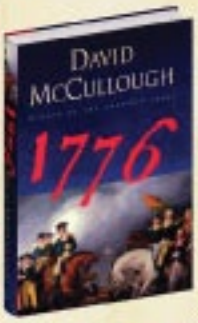

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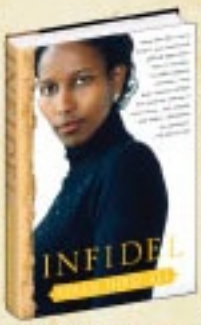

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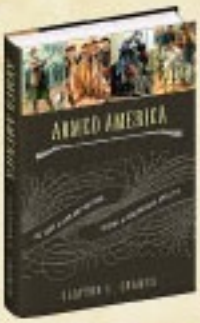

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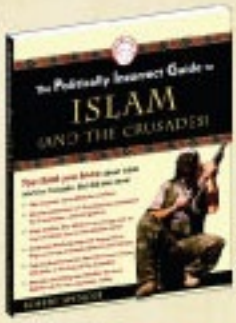

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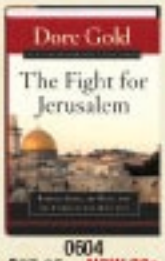

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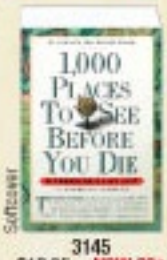

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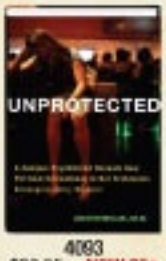

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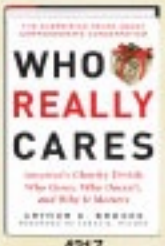

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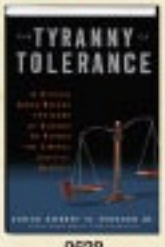

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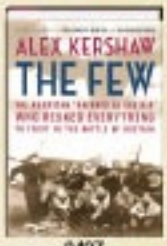

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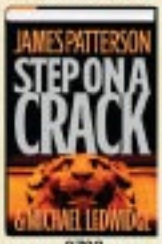

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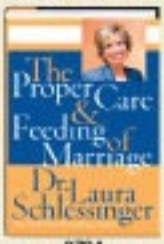

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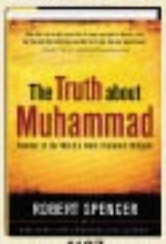

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and donors, he seems skittish about several of his past positions.

In his stump speeches he now routinely praises the recent federal appeals court decision striking down Washington, D.C.'s gun control law—a law only marginally more restrictive than the New York laws that once had his undying support. Giuliani no longer endorses a uniform regime of federal gun control: "What works in New York doesn't necessarily work in Mississippi or Montana." Depending on his audience, he reiterates his opposition to "gay marriage," as opposed to laws certifying "domestic partnerships" between same-sex couples. He has come out in favor of parental notification laws for minors seeking abortions, and he no longer opposes congressional attempts to ban partial-birth abortion. Most recently, he has disavowed any inclination to repeal the Hyde Amendment, which bans federal abortion funding. Abortion, he says, "is morally wrong." He can even sound, sometimes, a bit like a bluenose himself.

All this back-and-forthing is probably inevitable for a politician of Giuliani's vintage. His entire political career—eight years as mayor, from 1993 to 2001—was spent in the free-fire zone of New York City, where Democrats outnumber Republicans by five to one and hunt them for sport. When he opened a convention of the National Abortion Rights Action League and said, "I thank NARAL for taking the lead in establishing freedom of choice for all of us," or when he dispatched official letters praising "the struggle for Gay, Lesbian, Bisexual, and Transgender Rights," he might have horrified some Republicans in, say, deepest Ohio, had they been paying attention. But he was just doing what mayors of New York have to do. Without such minimal gestures no mayor can sustain a popular coalition that makes political success possible.

So say Giuliani's Republican supporters, in trying to reassure their more traditional fellow Republicans. Oddly enough, though, Giuliani achieved his astonishing programmatic successes as mayor not by conforming to the city's left-wing political culture but by confronting it and forcing it to bend to his will. Those occasions when he did choose to conform to it—as on abortion and gay rights—surely reveal something about his philosophical inclinations.

Which doesn't make his programmatic successes any less astonishing. Giuliani proudly recites them in every stump speech. "We went from the crime capital of the world, with more than 2,000 murders a year, six or seven a day, to the safest large city in America, cutting crime 67 percent," he said at a recent campaign stop in San Francisco. "We went from the welfare capital of the world, with 1.1 million New Yorkers, more than one in seven New Yorkers, on welfare, to a city of workfare. We were able to remove 600,000 people from the welfare rolls. By giving people more freedom, by giving them access to the economic system that would bring them out of poverty, we gave hope to people who were hopeless."

"People talk about how 'New York' Rudy's image is, but the whole gist of Giuliani's policies was to make New York more like the rest of America," Fred Siegel said in an interview last month. Siegel is a professor at the Cooper Union in New York and the author of the indispensable book on Giuliani's mayoralty, *The Prince of the City*. "He wanted to open the city up. He wanted to make it what it used to be—a city of aspiration. He wanted to let people in poverty and the lower middle class rise up. He wanted the kind of dynamic economy you associate with the rest of the country."

Every city was bedeviled by graffiti in the 1970s and 1980s; only New York indulged a highly credentialed elite that argued that graffiti was an artistic activity.

Siegel's book offers a useful reminder of how revolutionary this ambition was in the city that Giuliani inherited in 1993. The intense idiocy of New York's pre-Giuliani political culture, formed by a half century of unchallenged leftism among the city's rich and powerful, survives today only in an attenuated form, mostly on the editorial page of the *New York Times*, and it is hard to reimagine in hindsight. Public unions held city services hostage to their escalating demands for gold-bricking work rules. Welfare caseworkers were judged by how many people they retained on welfare rather than how many they moved into the world of work. Politicians lived in fear of racial blackmail. The decadence was thoroughgoing—an intellectual collapse as well as a failure of political will. Once in the 1970s, for example, when citizens complained about vandalism in the city's parks, the parks commissioner replied that vandalism was "simply a way in which certain elements of my constituency use the parks. Some people like to sit on benches, others like to tear them up." Every city was bedeviled by graffiti in the 1970s and 1980s; only New York indulged a highly credentialed elite that argued that graffiti was an artistic activity worth preserving and emulating.

"The economic energy which has always defined the city shifted away from economic pursuits into exhibitionism and violence," Siegel writes. This was the New York of Tom Wolfe's *Bonfire of the Vanities*, "where the


Dayton Daily News

Giuliani does 'Saturday Night Fever' at a March 2000 roast.

sky glowed as if inflamed by fever," and most observers assumed the city's downward course was irreversible. By the time Giuliani took office, a poll showed that more than 50 percent of New Yorkers hoped to leave the city for good. It was only because of these "emergency conditions," as Siegel calls them, that the city resorted to the extremity of electing a Republican. The next eight years saw, in George Will's words, "the most successful episode of conservative governance in this country in the last fifty years."

Yet Giuliani's conservatism was a uniquely New York artifact, just as the fever from which he rescued his city was singular and without parallel anywhere else. He cut taxes but taxes remained high. He reduced red tape but the city's regulatory apparatus remained vast. He reduced the rate of growth in government spending to close a budget deficit, but by the end of his mayoralty the deficit had reopened and grown larger than the one he originally faced. Mostly his program, and the source of his success, involved the reapplication of common sense principles that only New Yorkers, alone among the country at large, had been stupid enough to forget so thoroughly: Personal safety and civic order are preconditions of any kind of progress; work is better than welfare; lower taxes encourage economic activity; small crimes lead to big crimes, and crime of any kind deserves punishment; sex shops are antisocial disruptions of neighborhood life. And graffiti, by God, isn't art. To paraphrase Cindy Adams, only in New York, kids, would such truisms come as a revelation, much less appear to be a right-wing agenda.

Giuliani cites his triumph in New York in the 1990s—along with the sensitive and courageous performance of his duties during the chaos of September 11, 2001—as his chief qualification for the presidency. Yet voters will be entitled to wonder whether the triumph is transplantable to a different time, on a different scale, in a much larger, two-party political culture that is not nearly so irrational and self-destructive as New York City's. The personal temperament and "management style" he displayed as mayor, not unusual for New York, are hard to imagine in the Oval Office. "People didn't elect me to be a conciliator," he told *Time* magazine at the end of his second term. "If they just wanted a nice guy they would have stayed with [David Dinkins, his feckless predecessor]. They wanted someone who was going to change this place. How do you expect me to change it if I don't fight with somebody? You don't change ingrained human behavior without confrontation, turmoil, anger."

How would such a rough-edged approach appeal to those moderation-loving centrists who, Giuliani supporters claim, the candidate will attract to the Republican party in uncountable numbers? Even in New York his public personality wore thin. Three months before the end of his term Giuliani's poll ratings had fallen to George W. Bush-like levels—only one in three New Yorkers approved of his performance. The dip followed an excruciating personal difficulty that Giuliani himself thrust into public view. In early 2000, at a press conference on an unrelated matter, Giuliani suddenly announced to the assembled reporters that he was divorcing his second wife. The second wife, for her part, held a press conference of her own a few hours later to announce that the mayor's announcement was the first she'd heard of any divorce. She couldn't have been terribly surprised, though. By this time, the mayor had abandoned his official residence, moved in with friends, and taken to appearing at public functions with another woman, Judi Nathan, whom he would eventually marry three years later. The second wife and their two children were left to themselves in the mayor's mansion. The kids were 14 and 10 at the time. It's not necessary to imagine what all those moderation-loving centrists will make of

this episode; just imagine what a Democratic ad-maker will make of it.

The question of temperament is particularly pertinent given the great stress Giuliani's supporters place on his possible leadership in the war on terror. Every activist I spoke with at CPAC who supported Giuliani told me they did so because of their certainty that when it comes to America's jihadist enemies, the former mayor will, in the words of one eager young CPAC delegate, "kick butt and take names." And kill them, too, presumably. It would be a great irony—and perfectly in keeping with the traditional illogic of Republican electoral strategies—if Republicans determined that foreign policy was the premiere issue in the 2008 election and then nominated a candidate who, like Giuliani, has no official foreign policy experience at all.

Giuliani spends a good deal of every stump speech stressing the need for America "to stay on offense" in the war on terror. His precise conception of that war, and his approach to foreign affairs in general, is harder to pin down. To the extent that he's amplified his view of the terror war, it seems much closer to the economic determinism of the moderate realist school than to the notorious butt-kicking strategy of the neoconservative warrior class. Indeed, he says the "war on terror" is itself a misnomer; he prefers the term "the terrorists' war on us," which does sound rather more defensive.

"Americans hate war," he recently told the Churchill Club, a gathering of Silicon Valley executives. "We're at war because they want to come here and kill us, not because we want to go there and kill them. We want to do business with them. We would love to have them all wired and part of the Internet buying American products, and then we'll buy their products. And then we'll have the kind of issues we have with China and India, like we used to have with Japan. But those are good issues to have. That's America, that's what America is about."

In the end, he says, victory in the terror war may come down to commerce. "Technology has transformed the world," he told the executives. "Part of the way we're ultimately going to win the war on terror is through that technology. We're going to win the war on terror because, yes, we have to be militarily strong, we have to consider defending ourselves, but ultimately we overcome terrorism when those parts of the world that haven't connected yet connect to the global economy."

Consider China, he said. "China has plugged in. It's still a dictatorship, and they have to overcome that. But they've plugged into the global economy. If you think of where the terrorists are coming from, those are places that haven't plugged in. Ultimately economic freedom pushes you to political freedom. . . . We need to be strong, we need to be determined, but we also need to connect as many of these [Middle Eastern] countries as possible to doing business with us, to being connected to the Internet with us."

Kick butt, take names, and then make sure they have hotmail accounts.

***

San Francisco

No gun nuts here! Probably not in all of San Francisco, I'll bet, and certainly not at this Giuliani fundraiser, in a lemony suite of rooms at the Four Seasons hotel downtown. Fifty or so wealthy Northern Californians have paid $2,300 apiece, according to the *San Francisco Chronicle*, to sip sauvignon blanc, nibble on finger food, and hear Giuliani give an extended version of his stump speech. The sun is setting beyond the veranda outside, and a bay breeze twists the chiffon curtains ceilingward. Bejeweled women teeter across the plush carpet in spike heels. They're held upright by husbands in linen sport coats and open-necked shirts, most of them a head shorter than the wives. And the finger food is—simply—*fabulous*—I'm sorry but there's no other word for the tissue-thin ovals of sliced venison tenderloin and the tiny hillocks of baby spring vegetables tossed in an emulsion of wasabi pesto. More than a continent separates these people from CPAC.

And it's a different Giuliani, too. This crowd is less boisterous, but Giuliani is more animated, even though it's the end of a long day of travel and schmoozing. For the first 20 minutes he stands between two flagpoles while the donors are escorted into his presence for photos. He grips and grins and then back-slaps them on their way, seldom shifting from that Ed Sullivan shoulder-hunch posture of his—as though he had forgotten to remove the coat hanger when he slipped on his suit this morning.

"Did he say anything to you?" one donor asks another after he's come from the photo line.

"Not really," says the friend. "It was kind of perfunctory."

"Better than Schwarzenegger, though," says the first man. "Arnold won't even look at you!"

When the photos are through Giuliani waits patiently, hands folded in front of him, through a long introduction from the Stanford economist and business consultant Michael Boskin. Boskin says the coming presidential election is the most consequential since 1980, but he mentions the "threat of Islamic terrorism" only briefly. What has really brought him to the Giuliani camp, he says, is his worry over "what kind of economy this nation is going to bequeath to our children."

"I don't want to wake up some morning down the

road," Boskin says, "to the kind of economy they have in Western Europe—no jobs, no opportunity—and have our children ask us, 'How did you let this happen?'" (Where were you when they raised the capital gains tax rate, Daddy?)

Boskin's introduction is a nice reminder of one of the most striking things about Giuliani's campaign pitch: He is, rhetorically at least, the most economically libertarian presidential candidate since the doomed campaign of Phil Gramm. Most remarkable of all, he wraps his message of economic freedom in the same unyielding moralism that rattled New Yorkers.

"Maybe the thing I worked on the most in New York," he tells the San Franciscans, "was to get New Yorkers to reestablish the idea of personal responsibility." For generations, he says, New York's comprehensive welfare system had operated on the idea of collective responsibility. "We were dramatically breaking down the work ethic," he says. So he put the city's welfare population to work. The *New York Times* called him a fascist. But venturing into the neighborhoods, he would tell welfare recipients: "'I love you more. I care about you as if you were my brother or sister. I want you to work and have a job.' . . . And so at the grassroots, we rebuilt the idea of personal responsibility rather than collective responsibility."

He is, rhetorically at least, the most economically libertarian presidential candidate since the doomed campaign of Phil Gramm.

Nationally, he said, the same astringent process was called for. "Our legal system is out of control. Democrats want to create a legal philosophy of collective responsibility. Every injury, every thing that goes on, there's no individual responsibility. There's no risk in society. Invest in a stock, it goes up, you get the profit. It goes down, you lose money, you sue your investment adviser."

The men in linen sports coats chuckled, collectively.

"It's a no-risk society," Giuliani went on. "If we continue with this idea of collective responsibility, we'll become a society that deteriorates. And it's a battle that has to be fought now."

He offers health care as an example. "Democrats want universal health care, collective responsibility—honestly, it's their version of socialized medicine." Even the recent health care reform in Massachusetts, designed by the Republican governor Mitt Romney, was tainted with collectivity, because it required every citizen to get health insurance.

"I don't like mandates," Giuliani says. "I don't like mandating health care. I don't like it because it erodes what makes health care work in this country—the free market, the profit motive. A mandate takes choice away from people. We've got to let people make choices. We've got to let them take the risk—do they want to be covered? Do they want health insurance? Because ultimately, if they don't, well, then, they may not be taken care of. I suppose that's difficult." He lets the idea sink in, though it seems to bother his audience not at all. "The minute you start mandating, you always end up with more expensive government programs."

Of course, moralism has its limits. During the question and answer session, a well-tanned Republican worried aloud about the coming primaries—"which tend," he said, with some distaste, "to turn out more of the Republican base. I mean, how do you see yourself getting through issues such as same-sex marriage, abortion?"

"On some of those issues," says Giuliani, "I may not agree with some parts of our party. But the differences may not be as great as some of our adversaries say."

In recent weeks Giuliani has tried to mollify social-issue conservatives by saying that as president he would appoint only "strict constructionist" judges—"who interpret the law and don't write it." It's an elastic phrase, widely understood to be a kind of code, and in a brief interview before the fundraiser, sitting in a suite on the top floor of the Four Seasons, I asked the candidate about it. Most people who call themselves strict constructionists, I said, would overturn *Roe* v. *Wade*. Did he himself, as a strict constructionist, think *Roe* was wrongly decided?

"What I mean by a 'strict constructionist judge' has to do with my whole view of the Constitution," he said, choosing not to answer directly. "A judge should try to figure out what other people meant—the Framers, Congress—when they wrote the words they wrote. If a judge starts from that premise, then we have a system of laws and not of whim. And I think starting back in the sixties, we had courts doing what legislatures should be doing, the Warren Court and all that. There's a real debate about some of the criminal justice decisions—the exclusionary rule, for example."

Did you think the court overreached in imposing the exclusionary rule, I asked.

"Some people will argue it did," he said. "But with *Roe*—a strict constructionist judge could come to either conclusion about *Roe* v. *Wade*. He could come to the conclusion that it was incorrectly decided, overturn it, or he could decide well, it's been precedent for so long now, it would be too disruptive to overturn it, so we leave it alone. I would leave that up to a judge."

Back in the fundraiser downstairs, he amplified the point.

"I think it's a bad thing in government when we start to play judges of morality," he told the donors. "My concern in government was crime. Morality is a concern of families, of churches and religious leaders. My thing is, you break the law, you go to jail. But morality—I have mine, you have yours. I can talk to you about it, but I'm not going to enforce it.

"As for abortion, I think it's wrong. However, people ultimately have to make that choice. If a woman chooses that, that's her choice, not mine. That's her morality, not mine."

It was an interesting platform that Giuliani offered his audience—and that he intends to set before voters as the campaign progresses. He spoke of reforming Medicaid spending by giving vouchers to the poor. He suggested rebuilding the No Child Left Behind school reform by giving vouchers for parents to choose schools among private and public options. He endorsed a government-sponsored, NASA-like program to develop alternative sources of energy. Americans, he said, should have the choice of accepting the Social Security system or opening a private account instead. At the same time he suggested strengthening electronic provisions of the Patriot Act, and supporting "tough, intense interrogation" techniques against terrorists. Add the endorsement of gay rights and abortion rights, and it's an unusual stew.

Giuliani is routinely described, in the pundit's shorthand, as a moderate, and Fred Siegel, the Cooper Union scholar, coined the term "immoderate centrism" to describe Giuliani's politics. But watching the mayor lay out his views you begin to see that Siegel's term is only half correct. Giuliani's not a centrist at all. He's that rare politician who's most comfortable staking out positions at the further points of the ideological spectrum, swinging from one end to the other depending on the issue at hand, and passing over the middle altogether. Rather than appeal to the "center," as his supporters claim, it is just as likely that Giuliani's social liberalism will offend conservatives and his fiscal conservatism will offend liberals.

These wealthy California Republicans weren't offended at all, however. From their glow of satisfaction it was clear that they had found their candidate, as will every voter who is at once pro-choice and pro-war, pro-gay rights and pro-Patriot Act, against guns and in favor of privatizing Social Security.

There were 50 such people at least at the Four Seasons hotel in San Francisco last month. Giuliani will soon discover how many more he can find elsewhere. ♦

Michael Ramirez

McCain and the Conservatives

Can't they just get along?

By Fred Barnes

Frank Luntz, the Republican pollster, took time out from his speech to the Leadership Program of the Rockies on February 24 to conduct a straw poll. His audience, assembled at the Broadmoor Hotel in Colorado Springs, consisted of 300 conservatives, the elite of the state's Republican party. Luntz wanted to know whom they favored in the Republican presidential race. "I do this with every crowd I talk to," he says. "As a pollster, I'm the only person who can get away with it."

Luntz asked for a show of hands. Rudy Giuliani got nearly a quarter of the crowd and came in first. Mitt Romney wasn't far behind. Newt Gingrich isn't a candidate, at least not yet, but he finished a solid third. When Luntz asked who supported John McCain, it appeared at floor level that no hands went up. The crowd gasped. "They were shocked at how badly McCain did," Luntz says. And it indeed was bad, but not quite that bad. From the podium, Luntz could see McCain hadn't been shut out. He got three votes.

That was nearly six weeks ago, at what was so far the lowest point in McCain's second bid for the presidency. His first bid, in 2000, ended bitterly. But since the Republican party tends toward a practice of primogeniture in choosing presidential nominees—that is, picking the most senior guy in line—McCain started the campaign for the 2008 nomination as the frontrunner.

Then Giuliani entered the race, running as "America's mayor." McCain faltered, falling into second place, far behind Giuliani in several polls. How come? It turns out McCain's problem is the same one he had in 2000: conservatives. They're willing to give Giuliani enormous slack, despite his liberalism on social issues and his disheveled personal life. They excuse Romney's numerous switches from liberal to conservative positions. But conservatives vigorously resist McCain. They make no allowance for his liberal digressions on issues such as campaign finance, gun control, stem cell research, President Bush's tax cuts, or global warming. And they give him little or no credit for favoring the reversal of *Roe* v. *Wade*, or for supporting the extension of the Bush tax cuts he had originally voted against, or even for his unblemished record as a hawk on national security. Yes, politics is unfair.

And so we have a major anomaly in the Republican presidential campaign: The candidate with the most conservative record of the top contenders is the least liked by conservatives. The aversion to McCain is often visceral. James Dobson, the Christian conservative who runs Focus on the Family, says he prayed about the Republican presidential campaign and concluded that he couldn't vote for McCain "under any circumstances." Charles Cunningham, the Washington lobbyist for the National Rifle Association, says he won't even consider supporting McCain. Conservative ex-senator Rick Santorum of Pennsylvania insists McCain "is not one of us and doesn't want to be."

McCain's greatest need at the moment is to be one of them, or at least to be viewed by conservatives as an ally on most issues rather than as a thorn in their side. There's a simple reason for this. Without substantial conservative support, McCain can't win the nomination. That makes his task clear, though hardly easy. And he appears committed to pursuing conservative supporters in a way he didn't in 2000. Back then the key primaries he won were New Hampshire and Michigan's, both open to independent voters. Now he's got to win in the closed primaries limited to Republican voters. That means primaries dominated by conservatives.

My guess is McCain can do it. He's already bounced back from the nadir of his candidacy. Contrary to some of the buzz in the political community, his campaign hasn't collapsed, cratered, or come apart. Polls aren't worth much this far ahead of the actual voting, which won't start until next January. Still, his gains in recent Gallup and *Time* polls match the feeling of McCain's advisers that he's on the road to recovery. In 2000, he had "a bus and a style,"

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says his adviser Mark Salter. Now he has a bus, a style, and a national organization.

Thus the promise of the McCain candidacy remains alive. That promise has nothing to do with the media fiction about a rebel, a political eccentric, an independent Republican who delights in taking shots at conservatives, winding up in the White House. The promise, as McCain's pal Lindsey Graham says, is that Republicans nominate the candidate with the best combination of "conservatism and electability" to win the general election in November 2008. That's McCain. He's "right of center, but still in touch with the center," just where a Republican presidential candidate should be.

McCain has three things to do, and he appears to be doing all of them at the moment. The first is to forget about charming the press. In 2000, his aides joked that McCain's base was the media. In truth, it was. And that's why he lost. Press support and the backing of voters are two different things. Bruce Babbitt, a favorite of reporters, discovered this in 1988 when he ran for the Democratic nomination. He joked that rather than have voters decide the nomination, we should "let the press decide." He flamed out in the first contest, the Iowa caucuses.

The second thing for McCain to do is reject advice that he become "authentic" by running as a rambunctious maverick, as he did in 2000. "Those who say John has to reattach himself to the maverick label don't understand the challenge he faces," says Graham, the Republican senator from South Carolina. McCain needs to attract conservatives. The maverick style, stressing his differences with Republicans and taking jabs at Bush, tends to alienate conservatives.

The press is not helpful in this, quite the contrary. Finding voters who miss McCain's maverick musings in 2000 has become a specialty of political reporters. The *Los Angeles Times* played up a man named Derek Patterson, a McCain backer who fears voters in New Hampshire will be repelled by McCain's efforts to woo conservatives. The *Washington Post* found Stuart Hume and Mike Moffett, former supporters in New Hampshire who've abandoned McCain because he's become "the very picture of the highly managed presidential candidate he once scorned."

McCain still succumbs to the maverick temptation from time to time. When he appeared with California governor Arnold Schwarzenegger in Los Angeles in late February, he faulted Bush on global warming, a threat conservatives regard as wildly exaggerated and politically motivated. "I would assess this administration's record on global warming as terrible," he said. McCain also characterized Bush's handling of the war in Iraq as "a train wreck."

The Iraq comment was gratuitous and counterproductive. McCain is one of the strongest supporters of the war in Congress and probably the most eloquent. And the president has finally taken his advice to increase the number of troops in Iraq—the "surge"—and adopt a counterinsurgency strategy to secure and pacify Baghdad.

Worse for McCain was the contrast with Giuliani, who appeared with Schwarzenegger two weeks later at an event focusing on gang violence. The governor praised Giuliani as a crime fighter, noting that when Giuliani was mayor of New York City crime dropped 60 percent and homicides 70 percent. Giuliani offered no criticism of the Bush administration.

The third McCain imperative is to become, in Graham's words, "a leader of the party." This is harder than it might seem. McCain is unquestionably a leader, but he's usually led on issues that aren't Republican causes.

The third imperative for McCain is to become, in Graham's words, "a leader of the party." This is harder than it might seem. McCain is unquestionably a leader, but mostly on issues, like campaign finance reform and treatment of imprisoned terrorists, that aren't Republican causes. Graham says McCain has been "a leader of a movement . . . someone who takes a series of ideas and tries to create momentum outside the Republican party." Now he has to work inside the party.

He has a big issue: Iraq. Next to Bush, McCain is the most visible and persuasive defender of the war and has been at least since his powerful speech to the Republican convention in 2004. But with the war going badly, the Iraq issue hasn't helped McCain. "He knows it's hurting him," says Senate Republican whip Trent Lott. Or was hurting him.

With reports of progress in Iraq, the issue is turning in McCain's favor. McCain hasn't changed his tune. His support for the war has been unswerving. "Some people say, hey, aren't you worried about the presidential race?" McCain told me. "Please!" When you see wounded soldiers from Iraq in wheelchairs and on crutches, he says, that should be enough to dissolve any political considerations.

McCain's convention address is still the best explanation of why it was necessary to topple Saddam Hussein.

"Our choice wasn't between a benign status quo and the bloodshed of war," he said. "It was between war and a graver threat. Don't let anyone tell you otherwise. . . . Whether or not Saddam possessed the terrible weapons of mass destruction he once had and used, freed from international pressure and the threat of military action, he would have acquired them again. . . . We couldn't afford the risk posed by an unconstrained Saddam in these dangerous times."

Last week, McCain cancelled campaign events and returned to Washington to oppose Democratic efforts to withdraw troops from Iraq and end the war. He was ubiquitous, speaking on the Senate floor and TV and in interviews. In his Senate speech, he said Democrats were offering "a date certain for surrender . . . and they offer it just as the situation in Iraq, though still fraught with difficult challenges, is beginning to improve." At a press conference he asked, "Can't my Democrat friends . . . understand that we need to give victory a chance, not give peace a chance, give victory a chance?"

McCain has led on other Republican issues, notably spending cuts. He was one of the few Republican senators to vote against the Medicare prescription drug benefit in 2003. He is also one of the architects of a Republican plan for comprehensive immigration reform that is now being drafted in the Senate, and which should be more acceptable to conservatives than was the bill he cosponsored last year with Democratic senator Edward Kennedy. The new plan is based on securing the border first and foremost.

Many conservatives won't be assuaged by McCain's bid to be a party leader. "It's so much at odds with the reputation he's built over the years," says a prominent Republican. "For so many years he was on the other side and he did so with a sense of moral superiority." Being a maverick, Luntz says, "costs you among those who favor party loyalty. You don't know where he stands. That's why independents love him and conservatives don't."

Rick Santorum, defeated last year after a dozen years in the Senate, doesn't trust McCain. And it's exactly that—a lack of trust—that hampers McCain in appealing to conservatives. McCain votes like a social conservative, "but I believe as soon as he gets in office [as president] he'll jettison any social conservative issues. He follows the *New York Times*, not conservatives. He takes more pleasure in defeating conservative causes than in joining them. People see that."

Indeed they do. The McCain-Feingold campaign finance reform bill continues to infuriate conservatives even now, five years after it became law. In Colorado, for instance, Republicans "are particularly sensitive over so-called campaign finance reform laws at the state and local levels that severely restrict political parties and campaigns while three liberal billionaires pump literally tens of millions of unrestricted, unaccountable dollars into Democratic front groups and campaigns," says state Republican chairman Dick Wadhams.

McCain can't do much to soften the anger over McCain-Feingold, and he doesn't seem inclined to try. Nor can he quash the stories about his temper. "Everybody in the Senate has had a McCain moment—when John jumped down your throat for some reason or other," says Santorum. "That's the nature of who he is." McCain does apologize, Santorum adds.

His tumble from the top of the heap of Republican candidates has diminished, but not destroyed, one of McCain's greatest political assets, the notion that he's uniquely electable in a general election. That's attractive to conservatives who are freaked out by the prospect of a President Hillary.

"I'm always for the most conservative candidate who can win," says Frank Donatelli, a Washington lawyer and conservative activist who worked in the Reagan White House. He's for McCain. Trent Lott has often disagreed with McCain. "He was always after pork," he says of McCain. "So was I. Only he was trying to kill it. I was trying to get it." But Lott's attitude is similar to Donatelli's. He's for McCain.

"I always begin a decision like this with a fundamental question," Lott says. "'What's the name of the game?'" Winning, of course, is the name of the game. Lott supports whoever "can win, who is the strongest [candidate] to beat Hillary." Iraq can defeat McCain, Lott thinks, but Hillary can't. "If Iraq goes badly, it'll be over for John and a lot of other Republicans." Lott predicts that the conventional wisdom of a year ago will become reality a year from now: a McCain-versus-Hillary showdown in the general election. McCain of course wins. Sounds plausible to me. ♦

You deserve a factual look at . . .

The "Root Cause" of the Middle East Turmoil

Would peace descend if the Arab-Israeli conflict were resolved?

There are many who are convinced that the existence of Israel and its "alien" presence in the predominantly Muslim Middle East is the "root cause" of the ongoing and never-ending violence in the area and of terror in the world. James Baker, the former secretary of state and head of the U.S. Iraq Study Group (no friend of Israel and of the Jews), also propagates this "root cause" theory of the Arab-Israeli conflict.

What are the facts?

Israel is a tiny country, with only six million inhabitants (a million of whom are Arabs). It is surrounded by 22 Arab countries, with 300 million people. Arab propaganda has convinced the world that Israel is the mighty Goliath compared to the puny Arab states. It is a supreme irony that six million Israelis, surrounded by implacable enemies who are fixated on their destruction, are considered a mortal danger to the Muslims and to the peace of the world. And that, if it were not for Israel and for the Jews, peace would descend upon the world and terror would cease.

> "…the lust for terror will not end until Arab-Muslims come to terms with the West and accept its predominant role."

Israel is not the "root cause" of this strife and turmoil in the Middle East. Violence and war are endemic in Arab society and in Arab history. Israel was not involved in the deaths of the millions who perished in the Iraq-Iran war. Israel certainly has nothing to do with the slaughter in Iraq, in which on an average day, 100 people or more are killed in the deadly and never-ending Sunni-Shiite conflict. And even though Israel is the common enemy, it has nothing to do with the daily killings between the rival factions of Palestinians. Arab-Muslims killed over a million of black Christians and animists in the Sudan and brought intolerable suffering to that impoverished region. The Sudanese government, dominated by Arab-Muslims, hasn't lifted a finger to help its citizens. The slaughter goes on. Israel is certainly not involved in that. The thousands whom Hafez Assad, the father of the current president of Syria, slaughtered in the city of Hama for having voiced opposition to his rule have no connection with Israel. Abdal Gamel Nasser, the self-appointed president of Egypt, mortal enemy of Israel and instigator of the Six-Day War, did not invade Yemen and gassed its people because of Israel. Saddam Hussein did not torture and kill tens of thousands of his own people and did not invade Kuwait because of Israel. The Lebanese did not stage their civil war and kill tens of thousands of their own people because of Israel. And there are many more examples of intra-Muslim and intra-Arab slaughter and mayhem. Israel was uninvolved in any of those.

And how about terror? Again, many believe that Israel is the "root cause" of the terror that Arab-Muslims have visited and continue to visit upon the world. The attack on our country on September 11, 2001, the destruction of the two U.S. embassies in West Africa, the bombing of trains in Spain, the murderous attacks on the London subway system, and so many other acts of cowardly terror would have taken place even if there were no Israel. They are a reflection of the hatred that the Muslim world harbors against the West and its institutions. That hatred has nothing to do with Israel. And many believe that if only the United States would withhold its support from Israel (and get out of Iraq), terror would cease and the world would no longer have to fear the scourge of suicide bombings, the devilish invention that Arab-Muslims have visited on the people of the earth. It is an illusion. That hatred would continue even if Israel would cease to exist tomorrow.

Many claim that Arab-Muslim terror is the result of despair, hopelessness and poverty. But that is patently absurd. The Arabs are some of the richest people in the world, although, instead of using their enormous wealth to benefit their people, they squander it in bizarre luxury excesses for a privileged few. The nineteen hijackers were not poor or desperate. They were, without exception, well-educated people, members of upper-middle class families. The leaders of such Arab-Muslim terror organizations as Hamas, Hezbollah or Islamic Jihad are educated people, from the upper reaches of their societies. No, terror is the customary response of Arab-Muslims to express their grievances. It is a result of their culture and of their history. It has nothing to do with Israel and would not be any different if Israel had never existed or would cease to exist.

The proclivity to war and to terror on the part of the Arab-Muslims has nothing or little to do with Israel. It is the result of their culture and of their history. For centuries, the historical Muslim empires of the Middle East were confident societies, which long led the despised Christian West in terms of science and economic well-being, as well as in military power. But then a lasting reversal and decline set in, in which the loss of Spain and the ascent of the West and its towering achievements in every human endeavor played a key role. This thirst for war against each other and against the hated infidels – foremost among them Americans and Israelis – and the lust for terror will not end until Arab-Muslims come to terms with the West and accept its predominant role. But that may take a very long time – in fact, it may never happen.

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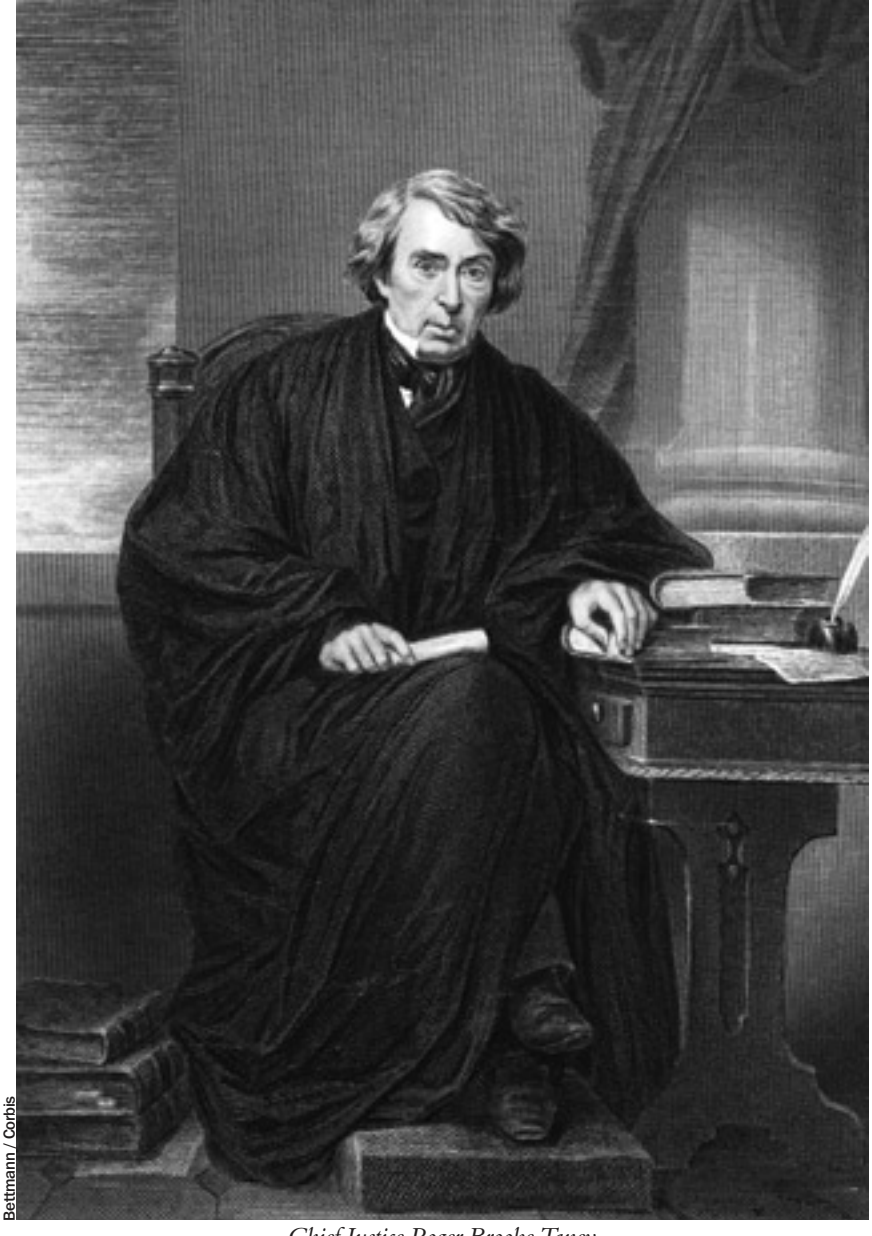
Taney vs. Lincoln

The other civil war

BY TIMOTHY S. HUEBNER



Bettmann / Corbis

Chief Justice Roger Brooke Taney

On March 4, 1861, in what must have been one of the most intriguing moments to witness in American history, Abraham Lincoln took the presidential oath of office from Chief Justice Roger B. Taney. The new president, who had recently risen to national fame as the most thoughtful and outspoken critic of the Supreme Court's 1857 decision in *Dred Scott* v. *Sandford*, now stood face-to-face for the first time with the author of the pro-slavery ruling.

In his famous debates with Stephen Douglas in 1858, Lincoln had sharply criticized the Court's holding that the Constitution prohibited Congress from banning slavery in new territories. Lincoln had warned of the dire consequences of providing such strong constitutional support for slavery, and he had even implied that the chief justice engaged in a conspiracy with other pro-slavery political leaders to spread the South's "peculiar institution" throughout the country.

Lincoln and Chief Justice Taney
Slavery, Secession, and the President's War Powers
by James F. Simon
Simon and Schuster, 336 pp., $27

In his inaugural address, delivered just before he took the oath, Lincoln leveled another criticism at the chief justice, who sat nearby. He charged that if the Court possessed the power to establish national policy on such vital questions, "the people will have ceased to be their own rulers, having, to that extent practically resigned their government into the hands of that eminent tribunal."

This remarkable meeting on the steps of the unfinished Capitol represented a pivotal moment in the history of the Constitution. Lincoln's inauguration, which occurred in the midst of the secession crisis, culminated at least a decade of intense debate over the legal status of slavery and signaled the start of a civil war that enormously expanded the powers of the executive. James F. Simon, dean emeritus at New York Law School and the author of a similar dual biography of Thomas Jef-

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Timothy S. Huebner, who teaches at Rhodes College, is the author of The Southern Judicial Tradition: State Judges and Sectional Distinctiveness *and* The Taney Court: Justices, Rulings, and Legacy.

ferson and John Marshall, describes this epic struggle over the Constitution in dramatic fashion, by skillfully weaving together biographical detail, political intrigue, and constitutional history.

Simon suggests that, despite their differences, Lincoln and Taney had much in common. Tall, homely, and rumpled in appearance, both men were known for their personal integrity, legal skill, and political ambition. Born in 1777 in southern Maryland, Taney built a successful law practice while taking an active role in politics. Apparently antislavery in his views during the early 19th century—he even emancipated all of his own slaves—Taney, in subsequent years, began to take on a decidedly more Southern character. He supported Andrew Jackson for president and served in Jackson's cabinet, first as attorney general and then as secretary of the treasury.

Known for his loyalty to Jackson and the Democrats, Taney made his share of enemies, and when Jackson appointed him chief justice in 1836, the president's Whig opponents howled. Still, over the next 28 years, Taney gradually silenced the critics and earned a reputation for moderation and fairness.

Lincoln, born of more humble origins in 1809, emerged as a successful lawyer and prominent Whig in Illinois. As a member of the state legislature during the 1830s he championed policies typical of his party—support for internal improvements, for example—but what distinguished him from many was his distaste for slavery. In 1837 he was one of only six Illinois legislators to vote against a resolution affirming slavery's constitutionally protected status and condemning the spread of abolitionism. After serving a single term in Congress, in 1849 Lincoln returned to his Illinois law practice.

Five years later, Lincoln reentered politics after the passage of the Kansas-Nebraska Act. That act allowed residents of the two territories to decide the fate of slavery by popular vote, thus overturning a previous federal law that had banned the institution there. Believing that the Framers of the Constitution had never intended slavery to spread beyond the South, Lincoln publicly condemned the measure as a "great wrong and injustice."

Lincoln's return to politics coincided with Taney's decision in *Dred Scott*. The case involved a Missouri slave who had initiated a suit for freedom, based on his nearly two years of residence in the free territory of Wisconsin. Taney had deftly handled a similar matter in *Strader* v. *Graham*, an 1850 case in which he penned a brief, unanimous opinion upholding the constitutional authority of slave states to determine the fate of such "slave sojourners." Although the Court considered issuing a similar, narrowly tailored opinion in *Dred Scott*, divisions among the justices, and political pressure to resolve the growing conflict over the slavery issue, resulted in a more far-reaching decision.

In a 7-2 majority opinion, Taney not only denied Scott's freedom but also ruled that the Fifth Amendment's guarantee of property rights prevented Congress from passing any legislation interfering with slavery in the territories. In doing so, Taney attempted, once and for all, to resolve this explosive political issue, and he did so by coming down squarely on the side of slaveholders.

Simon portrays Taney's pro-slavery decision in *Dred Scott* as an exception to an overall record of moderation and restraint on the slavery question, and he convincingly demonstrates that many Americans at the time seemed to desire a judicial resolution of the problem. To Lincoln and other antislavery Republicans, though, the ruling represented a dangerous example of judicial overreaching. Although Lincoln failed to unseat Douglas in the Senate in 1858, his ability to convince the North that *Dred Scott* represented a dangerous step toward the nationalization of slavery helped to win him the presidency.

After secession and the onset of war, the slavery issue receded into the background as the new president confronted immediate threats to the security of the nation's capital. With Confederate sympathizers in abundance in Maryland, and with Congress out of session, Lincoln suspended the writ of habeas corpus between Philadelphia and Washington, thus giving power to the military to arrest and imprison suspected traitors without any formal proceedings.

Simon skillfully recounts the famous 1861 case of John Merryman, the wealthy Marylander arrested by Union soldiers who challenged Lincoln's order in Taney's federal circuit courtroom. Despite fearing his own arrest, Taney defiantly opposed the president by claiming that, under Article I, Section IX of the Constitution, only Congress could suspend the writ. In *Ex parte Merryman*, the chief justice, with the aid of every legal authority he could muster, defended the historic foundations of habeas corpus and attacked the president's constitutional authority.

While admiring Taney's respect for civil liberties, Simon criticizes the opinion for ignoring the fact that 11 states had seceded and for displaying "the artistry of a partisan trial lawyer rather than the detachment of a judge." Lincoln paid no attention to Taney's ruling, except when he explained in a subsequent address to Congress that he had acted in a crisis to prevent the destruction of the government. At his request, Congress later authorized the suspension of the writ.

Lincoln took other unprecedented actions. During the first few months of the war—with Congress out of session—he blockaded southern ports, censored the mail, and authorized the payment of $2 million to private citizens to expedite the recruitment of soldiers. Later, of course, he issued the Emancipation Proclamation, which claimed to liberate three million slaves in the Confederate states. (The Union Army eventually did most of the liberating.) Of these measures, only the blockade ever came before the Court, and Taney found himself on the losing side of a 5-4 decision. The majority upheld the constitutionality of Lincoln's blockade, viewing it as a justifiable measure given the essential fact of war.

Throughout the war Taney, aged, ill, and angry, made no secret of where his sympathies lay. Although he remained chief justice of the United States until his death in 1864 at age 87, he believed in the constitutional right of secession and wished for the peaceful establishment of the Confederacy.

Simon offers a compelling narrative, though not always a trenchant analysis. While his willingness to challenge the simplistic portrait painted by recent scholars of Taney as a pro-slavery partisan is commendable, Simon tries a bit too hard to emphasize the similarities between his two subjects. He begins nicely by emphasizing what the two had in common, but clearly overstates his case when asserting that both "disapproved of the institution of slavery" and "agreed on the need for a strong Union." Much of Simon's own evidence, particularly the chapters dealing with the Civil War, shows how Taney's views hardened over time. By the end of his life, Taney's political, sectional, and familial loyalties (his grandson fought for the Confederacy) increasingly dictated his legal opinions.

Lincoln, in contrast, became more adaptable, pragmatic, and expansive in his thinking about what it would take to win the war and restore the Union. In addition to being men of different regions, classes, and political parties, Lincoln and Taney displayed distinct intellectual temperaments.

Readers will draw their own conclusions about whether the conflict between Taney and Lincoln offers lessons about either judicial hubris or wartime presidential power. Taney's opinion in *Dred Scott* remains the most reviled judicial decision in American history, and nearly everyone has criticized it as an example of the dangers of judicial activism. Lincoln's actions in wartime have provided similar fodder for those arguing over the appropriate role of the state in an age of terrorism.

Simon does not provide much in the way of argument on either of these important questions. Still, as pure, old-fashioned historical narrative, the story of these two titans of the Civil War era is hard to beat. ♦

BCA

Talking Freely

When the subject is liberty, what are we thinking?

BY BARTON SWAIM

One measure of the success or failure of a president is whether and to what extent he gets Americans to talk about important ideas.

By this measure, George H.W. Bush failed and Bill Clinton, who had four additional years to try, likewise failed, though not as miserably. The former held office when the Soviet Union collapsed, and so might have been expected to bring some memorable idea to the public's attention. He didn't. Clinton brimmed with ideas, but their historical significance didn't survive his administration.

The Inner Vision
Liberty and Literature
Edited by Edward B. McLean
ISI, 200 pp., $17

The case is very much otherwise with the current president. Whatever else may be said about George W. Bush, he has gotten the nation to think and talk about freedom. For my own part, I don't know whether that most intellectually bracing proposition of the Bush Doctrine—that only by extending political freedom in the form of representative democracy can the United States provide for itself a durable security—will be proved valid, but it's a giant idea any way you look at it. It is one of this decade's subtle ironies that, while Bush seems to embody everything most intellectuals abhor, he has given them, tax-free, the greatest subject of intellectual dispute since the Truman Doctrine.

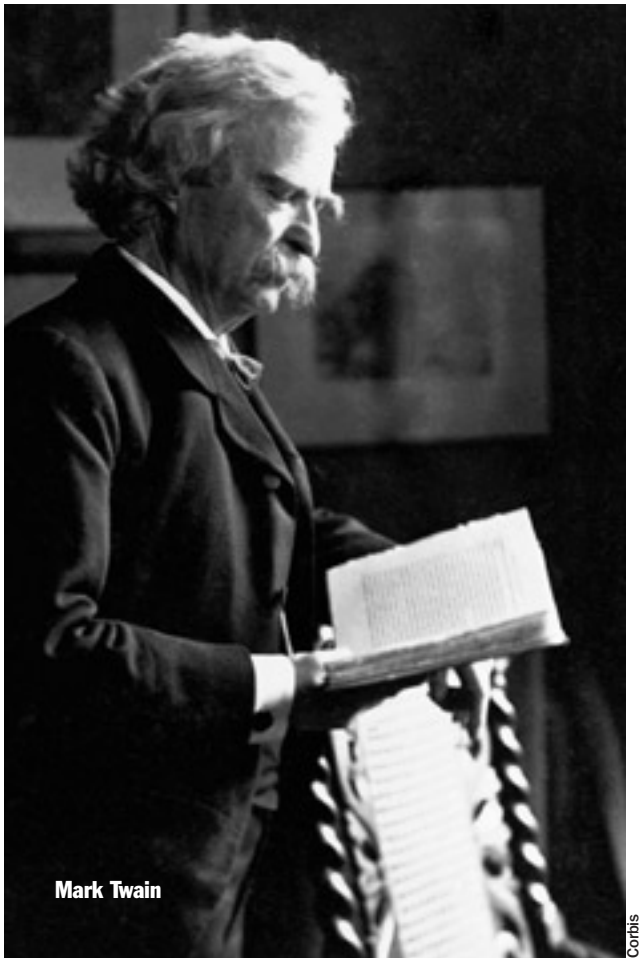
As the Cold War did a half-century ago, the present conflict with militant Islam has reinvigorated the study of political liberty. And the vigor with which it has been studied and written about since late 2001 is, quite simply, spectacular. The complaint with which Edward B. McLean begins *The Inner Vision* is, however, correct:

> Theologians, philosophers, and artists have tried to capture the essence of freedom. Economists and statesmen have tried to guarantee it to mankind. All these schools have brought great advances in the understanding of freedom and its implications, not least among them that men yearn to be free—and need only an inspiring vision of freedom to move heaven and earth in search of it. One art, however, has often been neglected in our search for freedom.

That one art is literature, which at its best can elucidate the nature of lived experience better than any other form of expression. "We can easily know abstract principles, equations, or institutional structures," McLean goes on to say. "But how can we know what a free life is really like? . . . A vital link is missing in any study of liberty that has no way to examine both the philosophical absolutes of freedom and their permutation in actual lives."

He's right. Often what an educated person knows about the great cultural and social problems of his age depends as much on the imaginative literature he's read as on books and essays full of propositional arguments. This has partly to do with literature's capacity to convey otherwise unattainable experiences: Westerners had never apprehended the reality of Soviet gulags until Aleksandr Solzhenitsyn's work began appearing in the 1960s; white Americans discovered a little of what it means to be black when they read *Invisible Man*.

Barton Swaim is writing a book on 19th-century Scottish literary critics.


Mark Twain

Corbis

But there's more to it than that. Literature raises and frames questions in ways that straightforward arguments cannot: fiction, by capturing the unpredictability and moral messiness of life, poetry by expressing truth in new and astonishing language. I understand religious doubt, or think I do, not because I've read David Hume but because I've read Philip Larkin.

McLean has collected seven essays by literary and political scholars of widely different interests and styles. All, without exception, are well written and full of insight. Three of the seven treat the tension existing between liberty and responsibility, the first a more philosophical treatment of *Paradise Lost*, the second on Shakespeare's evolving thought on this tension in his Roman plays, the third on the more prosaic territory of American politics via Robert Penn Warren's *All the King's Men*.

The southern writer Marion Montgomery has written a profound (and characteristically grave) essay on "Dostoevsky as a 'Southern' Writer," in which Montgomery discusses the difficulty faced by artists who have had to choose between conformity to what they thought was the triumphant ideology and fidelity to what they knew to be their own culture.

Martine Watson Brownley discusses the humane and earthbound literary criticism of Samuel Johnson. Johnson's critical attitude was famously dictatorial, but he knew what too many modern academic critics do not: The ultimate authority in questions of aesthetic worth and meaning is not the literary critic but (to use Johnson's phrase) "the common reader"—the reader of good sense and sound education.

Brownley's is an important essay, not only because she illustrates the folly of ceding peremptory cultural authority to the modern academy, but also because Johnson's approach to judging literature exemplifies the attitude a free people should cultivate towards their own society—that is, towards themselves. Over the long run, and despite mistakes along the way, a free and educated people will tend to make good decisions.

Catherine Zuckert's "Tom Sawyer: Potential President" is, in my view, easily worth the modest price of the book. Zuckert's interpretation of Mark Twain's great novel is penetrating as a work of criticism. But she also goes a long way toward answering an old and complex question: How can democracy succeed so brilliantly as a form of government when democracies themselves are so often led by ambitious, self-aggrandizing, and otherwise morally flawed men?

Elected statesmen will rarely or, perhaps, never be the morally conscientious men we would like them to be. As Tocqueville pointed out (Zuckert finds Henry Adams saying more or less the same thing), a truly good man wouldn't put himself forward for his peers to vote for him, for to do so would necessarily involve self-regard and guile. Thus Twain's subtle joke midway through the novel: After Tom saves the life of Muff Potter, "There were some that believed he would be President, yet, if he escaped hanging."

Those who have read *The Adventures of Tom Sawyer*—or, at any rate, those who have read it as adults—will likely have been troubled by a sense that Tom is, in a word, unscrupulous. He is not cruel or knavish; but he exhibits less honesty and humility than we might prefer to see in our own children. Tom deceives. He manipulates (remember the famous whitewashing-the-fence scene). He is inconsiderate of the interests and feelings of others, even his own family. He takes what doesn't belong to him (though, as he sees it, he stops short of outright theft). And above all he pursues his own glory with relentless energy.

Yet, as Zuckert explains, he possesses certain traits that make him an ideal popular leader. He is bold, imaginative, capable of enduring pain and risking his life. Indeed, it's precisely his single-minded interest in his own renown that drives him to perform his most noble deeds.

Zuckert quotes Twain's remark that Theodore Roosevelt was Tom Sawyer grown up, "always showing off; always hunting for a chance to show off." So will our statesmen always be, whatever we may tell ourselves about ages gone by.

Edward McLean deserves great credit for bringing these essays together. And so does the present occupant of the White House for making the idea of freedom so prominent a part of our discourse. ♦

Rough Diamond

A life of the man who desegregated baseball.

BY JOHN C. CHALBERG

Branch Rickey, Jackie Robinson

Zuma Press / TSN Archives

When not scouting baseball players or selling them, Branch Rickey could often be found speechifying. One of his favorite stories concerned a "superannuated" small-town minister who had these words inscribed on his wife's tombstone: "She was more to me than I expected." A master of timing (whether unloading a ballplayer or telling a story), Rickey waited for the laughter to subside before adding that he never learned what the minister did expect, but could "echo his sentiment insofar as Brooklyn is concerned."

While baseball's holy trinity of Branch Rickey, Jackie Robinson, and the Brooklyn Dodgers has long been part of American folklore, the Brooklyn phase of Rickey's tumultuous baseball life actually occupied a bare eight years (1942-50) during which his Dodgers won but two pennants and no world championships. The whole of that life included stretches as a player, scout, manager, general manager, part-owner, and consultant, not to mention his permanent roles as the game's chief tinkerer, innovator, and seer.

Branch Rickey
Baseball's Ferocious Gentleman
by Lee Lowenfish
Nebraska, 688 pp., $34.95

Chronologically speaking, Rickey sandwiched better than a quarter-century (of more than occasional success) in St. Louis and five years (of complete failure) in Pittsburgh around his Brooklyn interlude. Still, that borough—or at least the plot of ground called Ebbets Field—probably did give him more than he expected.

Similar sentiments can be said about the life of "baseball's ferocious gentleman." As we mark the 60th anniversary of the breaking of the color line in major league baseball, it's fair to conclude that Jackie Robinson turned out to be more than Branch Rickey had expected, that Rickey proved to be more than Lee Lowenfish expected, and that this biography will exceed his readers' expectations.

Not that Rickey was without his critics, or his full-blown enemies. After all, if even gentlemen have critics and enemies, imagine how many of each a "ferocious gentleman" might generate. Rickey himself is responsible for the adjective, as his ideal baseball team would be a roster full of "ferocious gentlemen." Pepper Martin of his Cardinals Gas House Gang personified the type. A Rickey favorite, Martin would "spend all day trying to beat you, and then stay up all night trying to make you well." Lowenfish sees Rickey in a similar light: He "combined a lust for competition and excellence with genuine warmth, humor, and compassion."

The key word here is "genuine," especially since Rickey's enemies regarded him as a hypocrite, perhaps even a ferocious one. Chief among them were baseball's first commissioner, Kenesaw Mountain Landis, who opposed Rickey's "chain gang" farm system; and Brooklyn's devil incarnate, Walter O'Malley, who forced Rickey out of the Dodger front office in 1950 and later fled the friendly confines of Brooklyn for the wide-open (parking) spaces of Los Angeles. To Landis and O'Malley, Rickey was a "psalm-singing faker."

Lee Lowenfish begs to differ. Over the course of a biography that threatens to extend into endless extra innings but doesn't, Lowenfish paints a much more complicated and, therefore, a much more fascinating picture. One guesses that Branch Rickey was many things that Lee Lowenfish is not. A conservative and a Republican, Rickey was also a staunch anti-Communist, a tough-minded businessman, and a believing Christian. Despite all of the above, Lowenfish has clearly been captivated by Rickey and by what might be termed the Rickey spell. Thus fascinated, Lowenfish has been able to communicate that fascination to readers.

A complex character, Rickey was also the real deal. There is no doubt he was out to make a good living for his family and profits for his franchises. That stipulated, he was also out to make the world—or at least a small

John C. Chalberg is the author of Rickey and Robinson: The Preacher, the Player, and America's Game.

corner of it—a better place by ridding baseball of a wrong that the right-wing columnist Westbrook Pegler called the "craziest wrong in America." All of that invited charges of hypocrisy then and generates cynicism still. And yet Lowenfish genuinely does beg to differ, recognizing the genuine article that Rickey was.

Forty-plus years after his death in 1965, Rickey's life continues to provide an occasion for pondering the dual histories of race relations and how to improve race relations in America. Rickey was no utopian, but he was guided by his Christian principles, his complete (and genuine) color-blindedness, and his belief that a free society was the best guarantor of a virtuous society. "Proximity" was among the polysyllabic-prone Rickey's favorite words: He thought placing blacks and whites in genuine proximity with one another would gradually spell improved relations between them. How best to achieve that goal has always been the question.

Rickey was that unique combination of Christian who thought it ought to be done, period; conservative who believed it should be done privately; capitalist who presumed that it would benefit his bottom line; and optimist who understood that it would gradually make the baseball world a better, fairer, and more competitive place. And once baseball began to get it right, could the rest of America be far behind?

Lee Lowenfish may not be that optimistic, but he is more than willing to give Rickey credit where credit is due. His Branch Rickey was a risk-taker and an opportunity-seeker, whose signing of Robinson made the Dodgers the first of "America's teams," and one which finally gave the borough of Brooklyn a world championship in 1955. By that point Rickey was on his way out in Pittsburgh, but Robinson was still a Dodger. As a Dodger, Robinson proved to be all that Rickey had expected and more. Not only was this ferocious gentleman a college man, an army veteran, an observant Christian, and a fine athlete, but Jackie Robinson also turned out to be the best two-strike hitter that Rickey had ever seen.

Sometimes doing the right thing reaped unanticipated benefits, even if Walter O'Malley and not Branch Rickey was the chief beneficiary. Nonetheless, it is worth wondering what Rickey might have done had he still been running the Dodgers as an aging Jackie Robinson's skills diminished. Would he have dealt Robinson before that championship season of 1955? Who knows?

What *can* be asserted is that timing is always important, whether peddling ballplayers or spinning yarns. A raconteur famous for his unsculpted aphorisms, Rickey thought it was better to "trade a ballplayer a year too early rather than a year too late." By that standard, Robinson should have been an ex-Dodger by no later than 1953. Then again, the man who was known to say that "luck is nothing more than the residue of design" might have been lucky enough, and smart enough, to keep the "ferocious gentleman" who had always been—and given—more than anyone had ever expected. ♦

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The Morning After

How Germany rebuilt, and reinvented, itself.

BY EDWIN M. YODER JR.

The rather cryptic title of this book is drawn from a Cervantes adage as revised by Theodor Adorno: "In the house of the hangman one should not speak of the noose." An idiomatic English version might read: When you walk into the hangman's house, it is tasteless to speak of nooses.

In the House of the Hangman
The Agonies of German Defeat, 1943-1949
by Jeffrey K. Olick
Chicago, 392 pp., $29

So understood, it makes sense. For this book examines a large and awkward legacy of the Nazi era: what Germans themselves recall of the guilt ascribed to them by their World War II conquerors, and how they reacted to it. The ins and outs of that memory are, to use one of the author's favorite terms, "dialogical": One school of memory often reacts with another so that the "memory of memory" is unstable. A truism, possibly, although as our own Civil War shows, "cultural memory" following any searing conflict is a topic of unquestioned importance and power.

Perhaps, as the adage suggests, there was something a bit tasteless in demanding of the battered Germans of 1945 how they felt as citizens of a miscreant state, ruled for 12 years by a gangster regime that had started a ruinous world war and, as a matter of policy, set out to extirpate the European Jews. Any but sociopathic Germans must have felt bad about it, whether they admitted it to themselves or to their interrogators, and whether they had time or energy to pause for reflection from the struggle for mere survival in the ruins. They seem never to have been as explicit in admitting it as their conquerors might have wished. Many resented their judges and preferred self-generated rituals of penitence.

Olick borrows Ruth Benedict's distinction, in *The Sword and the Chrysanthemum*, between guilt (internal, individual, and conscience-generated) and

Edwin M. Yoder Jr. is a former editor and columnist in Washington. His novel Lions at Lamb House *about Freud and Henry James will be published in September.*

shame (a response to what others might say or think about one's behavior). The former, she thought, was applicable to German culture, as to Western habits of mind generally, although the extent and nature of that guilt were debatable.

Were all Germans in some sense answerable for tolerating or submitting to Hitler and his crimes? Should guilt be limited to the 22 Nazi ringleaders tried at Nuremberg and the thousands of minor officials who did their bidding? Or was the lapse ascribable to the lurking demon in every human being, sometimes known as original sin? Many Germans preferred to view the Nazis and their works as apostate departures from the historic Germany of learning and art. A few others, notably Thomas Mann, one of the "external exiles" who spent the war years in this country and became an American citizen, admitted to some psychological kinship between themselves and Hitler. ("This man is my brother," was the title of a noted article by Mann in *Esquire*, though perhaps written before the depth of Hitler's monstrous works were known.)

These are all fascinating issues, as are the questions of what memory traces remain. But Olick, a specialist in the field of cultural memory who teaches sociology at the University of Virginia, would seem to have written here a rather different book from the one he says he set out to write. That is, *In the House of the Hangman* is actually a bit thin on the empirical data that would document popular or public memory. It focuses, rather, on what German elites—writers, politicians, clergy, historians, and others—thought, said, and wrote about the Nazi past and how it should be understood and atoned.

Implicit in the story Olick tells here is something remarkable, about which he offers no comment: The mantras of "re-education" and "denazification," high-minded and perhaps historically innocent, sound oddly like later practices that found echoes in the re-education and brainwashing enterprises of Chinese and Russian totalitarianism—even as the extension of the eastern boundaries of Poland into Silesia and East Prussia agreed to at Potsdam, leaving millions of ethnic Germans "displaced" and subject to mass transfer, might be thought to bear disconcerting resemblance to the "ethnic cleansing" that became a feature of the more recent Balkan civil wars. Not that any such parallel was intended; the precedents, if such they were, merely testify to the variety and relativity of geopolitical ambitions and ethics.

Hulton-Deutsch Collection / Corbis

Ethnic Germans expelled from Czechoslovakia, 1945

The so-called "four Ds" in postwar Germany—denazification, democratization, decartelization, and demilitarization—were much talked of but fitfully applied. Denazification, in particular, was soon turned over to German-run institutions; and at that stage the exculpatory certifications of millions of ordinary Germans by clergymen, Jews, and members of the German opposition were especially valued—in a process that took its popular name from a brand of laundry detergent! In this exalted postwar enterprise, there was a touch of the still-familiar American belief that rooted cultural and political habits may be remade by admonition. That seems to have been the hope of the distinguished social scientists who convened in the midst of the war at Columbia. They had an exalted faith in the capacity of the social sciences to devise therapies capable of relieving misbehaving peoples of bad attitudes. Harsh retaliations were threatened during the war, ranging from the cruel (the summary execution of tens of thousands) to the silly: FDR's endearing notion that if you could merely ban marching and uniforms the Germans would wean themselves from something called "Prussian militarism."

Yet according to Olick, neither of the particularly sticky bugaboo cultural memories of that time—neither an attempt to attribute "collective guilt" nor "pastoralization," the evanescent

design for radical de-industrialization associated with Henry Morgenthau Jr., FDR's secretary of the treasury—was ever seriously contemplated, although the latter provided material for Joseph Goebbels's propaganda and bureaucratic warfare in Washington.

Little or nothing of the sort ever rose, however, to the level of official policy, for many fundamental reasons, but chiefly for one: Nazism's Allied conquerors were far more concerned, during the war and after, with practical geopolitical and economic issues—reparations, the division and administration of occupation zones, feeding masses of displaced people, currency stabilization, and the like. And of course, the occupation soon became embroiled in Cold War tensions so that the issues were viewed thereafter in a different light. Hence, much of what this book deals with—the discussion conducted by German elites about their culpability—was, albeit important, a bit of a sideshow.

Olick portrays a number of the principal figures, from the acidly articulate Kurt Schumacher, first president of the Federal Republic, to the theologian Karl Barth and the eminent psychologist Carl Gustav Jung. Jung attempted to fit the Nazi aberration into his theory of the "shadow," the unseen, sometimes antisocial, aspect of every human personality which, for healthy personal balance, should be identified and integrated. But Jung's theory was perhaps a bit *recherché* to be influential.

This very informative book would be even more interesting if it were stronger on the history of the period. But that history is only marginally the author's concern, the sociology of cultural memory. To fill out the historical deficit, *In the House of the Hangman* should be supplemented with the remarkable and underrated works of Sebastian Haffner (*The Ailing Empire* and *The Meaning of Hitler*), which deal with the same issues but are unlisted in the author's lengthy bibliography. There, a fine historian who speaks with the eye and voice of a native illuminates the issues of German calamity, rebirth, and memory. ♦

Anglo-Saxon Opera

The art of slaying dragons in Los Angeles.

BY KELLY JANE TORRANCE

"I've discovered that I don't have that much talent, really," the composer Elliot Goldenthal confessed a decade ago. "If I work on something for 10 years or three weeks it's not going to make a difference. It's not going to get any better. No matter how many years I work on something I'm never going to get to Beethoven's level."

That last sentence is a truism for any modern composer. But the rest of the sentiment is surprisingly humble coming from someone who works regularly in Hollywood—and particularly odd coming from the man who scored one of the most ambitious new operas in recent memory.

Grendel, with a $2.8-million budget, was the cornerstone of the Los Angeles Opera's 20th-anniversary season. The joint production with Lincoln Center premiered in Los Angeles last year and was later staged in New York as the centerpiece of the Lincoln Center Festival. The bicoastal nature of the project was fitting: *Grendel* was, more than anything else, a high-minded partnership between Hollywood and Broadway. And as style often trumps substance in those arenas, so it was with *Grendel*. What came close to being a dramatic philosophical exploration of existence and evil ended up a striking show without the story and songs necessary for great opera.

Grendel was Goldenthal's first opera; he is best known as a film composer. He's scored almost two-dozen films, including *Michael Collins*, *Batman Forever*, and *Alien 3*, and won an Academy Award for the soundtrack to the Frida Kahlo biopic *Frida*. That film was directed by his partner, both personal and professional, Julie Taymor. Taymor's work is varied—she directed the thrillingly vicious Shakespeare film *Titus* and the Disney smash Broadway musical *The Lion King*—but it usually involves spectacle. *Grendel*, which she directed and for which she co-wrote the libretto, is no exception.

Its lofty ambitions on that score—countless monstrous, moving puppets; scenes of fire and ice; a towering set with the white snow-covered peaks of Denmark on one side and the dark and brutal underworld on the other—threatened to destroy the opera before it even opened. The Los Angeles Opera sent critics an email just two days before the scheduled opening informing us that it was cancelled due to "technical and mechanical problems." The company later announced the opening would be moved back almost two weeks. Reports indicated that the computer controlling George Tsypin's rotating set failed, then the mechanics of the set itself. The postponement cost the company $300,000.

For all the pyrotechnics, this was spectacle that was meant to be serious. Taymor wrote the libretto with poet J.D. McClatchy, the editor of *Yale Review* and sometime librettist—of Ned Rorem's *Our Town*, for example—based on John Gardner's 1971 novel. That philosophical fiction was a retelling of the *Beowulf* epic from the ogre Grendel's point of view. The triumphant Geatish warrior Beowulf hardly makes an appearance in this version of the 9th-century epic. Instead, we are asked to understand what might have made a man a monster.

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Grendel is subtitled *Transcendence of the Great Big Bad*. It's not clear what definition of that first word Taymor and McClatchy had in mind. It seems unlikely to have been "a state of being above and independent of the material universe," as Grendel is very much affected by his surroundings. So that leaves the monster "beyond the limits of experience and hence unknowable," or "surpassing others; preeminent or supreme." Either is, in terms of a premise regarding evil, equally intriguing.

My bet is on the latter, though. Grendel is the most knowable character in this opera. Not only do we hear more from this descendent of Cain than from any other character, he's also the only one who speaks in a language we can readily understand. Just about everyone else sings in the Old English in which *Beowulf* was written; Grendel is made the most accessible by singing in contemporary English.

No fumbling, mumbling monster is he. In fact, Grendel comes across here as a barbarian with a brain, an environmentalist having an existential crisis. Though he kills capriciously, he's at least conflicted about it from the very beginning—of the opera, anyway: "The season is once again upon us," the American bass Eric Owens as Grendel sings by way of introduction, "and so begins the twelfth year of my idiotic war."

The results have a terrible beauty. Early on, there's a moving scene of mourning for a dead warrior. Bereft women dance their grief to Angelin Preljocaj's graceful choreography. Constance Hoffman's simple costumes somehow add to the feeling of sadness: "Fire cleanses, life is cheap," we're told of this medieval world. "Old men shiver, women weep."

But our sympathies aren't long with Hrothgar's kingdom. Grendel tells us that these heartbroken men and women may have brought their problems on themselves. Grendel watched his father die at their hands; then the boy was bullied for being a strange sort of creature. "This whole s—t-ass scene was his idea, not mine," a defensive Grendel says of Unferth, in the poem Beowulf's foil, whose own attempts to slay the monster have been unsuccessful.

It's not merely a personal vendetta, however. Grendel, a Tolkienesque environmentalist, is horrified by King Hrothgar's plans to conquer the area: "There was nothing to stop the advance of man," he says, as if in explanation for trying to stop it himself.

Grendel comes off as a kind of victim-hero in this telling, rather than the killer of would-be heroes he was known to be for centuries. He has some sympathy for his nemeses: "I thought heroes were lines in a poem. Such a burden now, being a hero," he says, in one of the opera's many meta moments. But he manages to take away the heroism of the hero. Beowulf isn't even a real character in this opera. He's voiced by a chorus and played by a dancer (Desmond Richardson, in a thankless role).

The Old English epic gave Beowulf immortality by making him the dragon-slayer. But *Grendel* implies that its title character became suicidal, tired of that "idiotic war." "I will fall. I want to fall. I will my fall. So may you all," Grendel declares before dying.

He has little humility. But perhaps that of his musical creator was in the right place: The ambition of Goldenthal and Taymor's *Grendel*—opera for the people, perhaps—might have been misplaced. Opera tends to be plot-driven, not character-driven. The broad brush of the genre isn't particularly suited to the fine-tuning of psychology and motivation. Just as it's difficult to make a three-hour monologue compelling, it's difficult to make a three-hour aria involving. There simply isn't enough interplay between the characters in *Grendel*, which is composed mostly of solos.

Grendel doesn't fail for lack of talent. The titular monster is rarely offstage, and even less rarely heard. Eric Owens must carry the opera on his own and he proves himself capable: His bass is strong and clear, and with his excellent enunciation, he must now be the go-to bass for English-language opera. Owens was very funny in a smaller role as General Groves in the San Francisco Opera's premiere of *Doctor Atomic*; in *Grendel* he reminds us of his great sense of comedy.

Not everyone has his strong voice, which I suppose is why some of the singers were amplified. At least Taymor got creative about this unfortunate decision. When King Hrothgar is discussing his plans for domination, a page comes in with a megaphone to amplify his voice as he makes his announcement. (This play on the staging was actually quite effective, though no excuse for the rest of the mikes.)

One other vocalist did stand out. The singing of soprano Laura Claycomb as Queen Wealtheow was absolutely beautiful. This lyric coloratura, who got her start at the San Francisco Opera, is as comfortable in the Baroque repertoire as she is in the modern. Unfortunately, her character inspires some of the opera's worst lines. Grendel falls in love with this beauty—it's an ambivalent love, of course, as the venomous monster talks about the "ugliness between her legs"—and it seems to have muddled his normally thoughtful head, leading him to utter such howlingly bad lines as: "She glistened like the dawn on the silver hills."

Two characters did the most to explicate *Grendel*'s dark themes. The Shaper, a wise, blind storyteller voiced by tenor Richard Croft, was the most sympathetic character after Grendel himself. The harp player's goodness almost brings Grendel over from the dark side.

The American mezzo-soprano Denyce Graves had a big cameo as the sage-like Dragon. She had fun with the slightly campy role, getting more than a few laughs with knowing lines like, "It's damned hard, you understand, confining myself to concepts understood during the dark ages." Unfortunately, the addition of a character meant to stand out didn't do much to allay the problem of a lack of interaction. Her work was more of a set piece that actually made the action lag, and the legendary singer wasn't much more than serviceable in the position. At times, she was washed out by the orchestra.

Reuters / Corbis / Max Morse

Eric Owens, second from left, as Grendel

The Dragon did serve to reinforce the theme of monster as hero. She told Grendel that he actually inspires man: "Scare him to glory!" she urges him. (Never mind that, as a mourner at the deathbed of the Shaper remarks, "Death empties the world of all its glory.") And if he gives up on that "idiotic" massacre? Someone else will take his place. The war between good and evil—and man's need for inspiration in some form to goad him on—will always continue. These are some of the most interesting thoughts in the libretto, and they help bring on Grendel's existential crisis. Sadly, their potential is wasted on a few short scenes.

If the structure set the stage for a less-than-engaging opera, the music did nothing to alleviate the feeling, filled as it was with melodramatic moments. As in the genre of film scores in which Goldenthal made his name, *Grendel*'s music hits us over the head with what we're supposed to think and feel. There's not enough subtlety to give the score staying power. That's not to say there were no memorable moments. Seeing the troll dancing to jazz as we return from intermission was a surprising and delightful moment, made possible by the talents of composer, choreographer, and vocalist. And Goldenthal manages to summon some power toward the end: As Grendel sings his defiant "I will my fall," Goldenthal's music grows expansive enough to capture the climactic moment.

Grendel's failings didn't go unnoticed by the audience. "I've never seen an abstract opera before," one attendee remarked at intermission. "I wonder how many people will come back?" asked another.

But *Grendel* was actually a triumph—in terms of sales. It exceeded box office projections, selling out its final three performances, and the company considered reviving the opera for its 2007-08 season. It wasn't Taymor's first operatic success: Her 2005-06 Metropolitan Opera production of *The Magic Flute* was revised and restaged this season. It was also cut down to a 100-minute version aimed at families, to be shown over the holidays, and as the first of the live Met high-definition satellite feeds shown in movie theaters across North America and in parts of Europe.

But should we expect anything less from a collaboration between Hollywood and Broadway? The one really successful element of *Grendel* was its spectacle. Besides a cast of 30 singers, 30 dancers, and 60 members of the chorus, imaginative creatures of all stripes populated the stage, in between the funeral pyres and projections. Taymor is known for her puppet wizardry and it was on full display in *Grendel*, with the incredible denizens of the underworld that puppet master Michael Curry helped her create. Taymor also did a good job of integrating the disparate elements of singing, dancing, action, and set. Her staging may be remembered, even if the opera won't be.

A premiere's production values aren't enough to give an opera a place in the repertoire. You have to wonder if all that time and energy—work that almost kept the show from being staged at all—might have been better spent creating a compelling story with compelling music. In fact, one of the most memorable scenes in the opera was fashioned with pretty low-tech effects: As Grendel grandly repeats "I am invulnerable," his shadow gets larger and larger, adding to the sense of dread mixed with hubris. And in *Grendel*, the story and the opera, there was plenty of hubris. Elliot Goldenthal may be modest about his musical talent. But Julie Taymor has much larger dreams. ♦

Homecoming

Two generations of Indians become Americans.

BY JOHN PODHORETZ

"I don't want to raise our son in this lonely country." So says Ashima, a very young Bengali mother who has left her teeming and overstuffed life in Calcutta to journey to the deserted streets of Yonkers, N.Y., in the company of a gentle man named Ashoke—a man with whom she first exchanged words at their wedding ceremony because theirs is an arranged marriage.

The Namesake
Directed by Mira Nair

Kal Penn

Everett Collection

The year, astonishingly, is 1978.

The Namesake—a quiet, unassuming, and ultimately overpowering new movie—is the story of Ashima's life in America, even though the title refers not to her but to her son. It is an adaptation of a much-praised novel by Jhumpa Lahiri, and it improves on the novel in very nearly every respect. Lahiri, who made her reputation with a brilliant collection of short stories called *Interpreter of Maladies*, centers her novel on Ashima's son and his struggle with his first name. His father dubs him Gogol, after the Russian writer.

This was a creatively suicidal decision, because Lahiri does not write well about men and her Gogol is an extremely dull and uninteresting character from the moment he emerges from the womb until the last page, when he finally cracks open a collection of his namesake's short stories. Fortunately for the film, director Mira Nair cast a 30-year-old Indian-American actor named Kal Penn as Gogol.

Penn, known for his turns in a few extremely stupid teen comedies, is pitch-perfect both as a pot-addled high school geek and as a too-cool-for-school Manhattan yuppie. Even though Penn has been acting in films for a decade, this performance is an annunciation. It heralds the emergence of a potentially great actor whose work we will be admiring for decades to come. Penn is so compelling that he singlehandedly breathes the life and emotion into Gogol's journey that Gogol's own creator could not.

Unfortunately, director Nair and screenwriter Sooni Taraporevala can't make any better sense out of Lahiri's choice of Nikolai Gogol as a central motif for the American-born son of Indian immigrants. A remark that appears in the movie but not in the book—"We all come out of Gogol's overcoat"—only serves to confuse matters. After all, "The Overcoat" is literature's foremost work of nihilistic absurdism while *The Namesake* is a small domestic drama about decent people trying to do their best as they figure out how to live in a strange land.

The movie captures better than any other the emotional distress of homesickness—waking up to unfamiliar noises in an unfamiliar setting and the quiet panic of not knowing where to go or what to do or what the new rules are. Ashima finds herself alone for the first time in her life. She is alone during the day while her husband works, alone while giving birth, alone while raising her children. She agrees to stay because America is the land of opportunity for her children. The lonely country eventually opens up to Ashima, in part through the kind ministrations of her husband, a good man and devoted father.

The Indian parents beget American children, Gogol and his sister Sonia, and those American children view their parents both with respect and at a great distance. They hate their long summertime trips to India, where they must live cheek by jowl with relatives and servants in blistering heat. And yet a trip to the Taj Mahal convinces Gogol to pursue architecture as a career.

He takes up with a very blonde, very rich, very fashionable girlfriend named Maxine and even moves in with her and her family in a lavish Chelsea townhouse. But when tragedy befalls the family, Maxine is impatient with Gogol's grief, which seems somehow un-American to her. Awash in regret, Gogol seeks to heal himself by embracing his roots and marrying a Bengali woman he knew during his teenage years. But it turns out that his wife is even more torn between her background and her yearning for the West than he is.

In the end, *The Namesake* is about the discovery every first-generation American makes about his parents—that the journey they had to make was far more difficult and complex than anything their children have had to face. And the great beauty of this movie is Gogol's slow realization that the emotional reticence of his parents—their failure to speak endearments to each other and to make public displays of affection—means far less than the unshakable love they feel for each other, and for the children for whom they have given up so much, and from whom they have asked so little in return. ♦

John Podhoretz, a columnist for the New York Post, *is* THE WEEKLY STANDARD*'s movie critic.*

"Focus on the Family founder James Dobson appeared to throw cold water on a possible presidential bid by former Sen. Fred Thompson. . . .'Everyone knows he's conservative and has come out strongly for the things that the pro-family movement stands for,' Dobson said of Thompson, '[But] I don't think he's a Christian; at least that's my impression'. . . .Focus on the Family spokesman Gary Schneeberger stood by Dobson's claim. He said that, while Dobson didn't believe Thompson to be a member of a non-Christian faith, Dobson nevertheless 'has never known Thompson to be a committed Christian—someone who talks openly about his faith.'"

—U.S. News & World Report, *March 28*