the weekly Standard

OBAMA'S CONSTITUTION
EDWARD WHELAN

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McCAIN'S CHALLENGES

JEFFREY BELL • Coping with the Bush legacy
FRED BARNES • Choosing his veep
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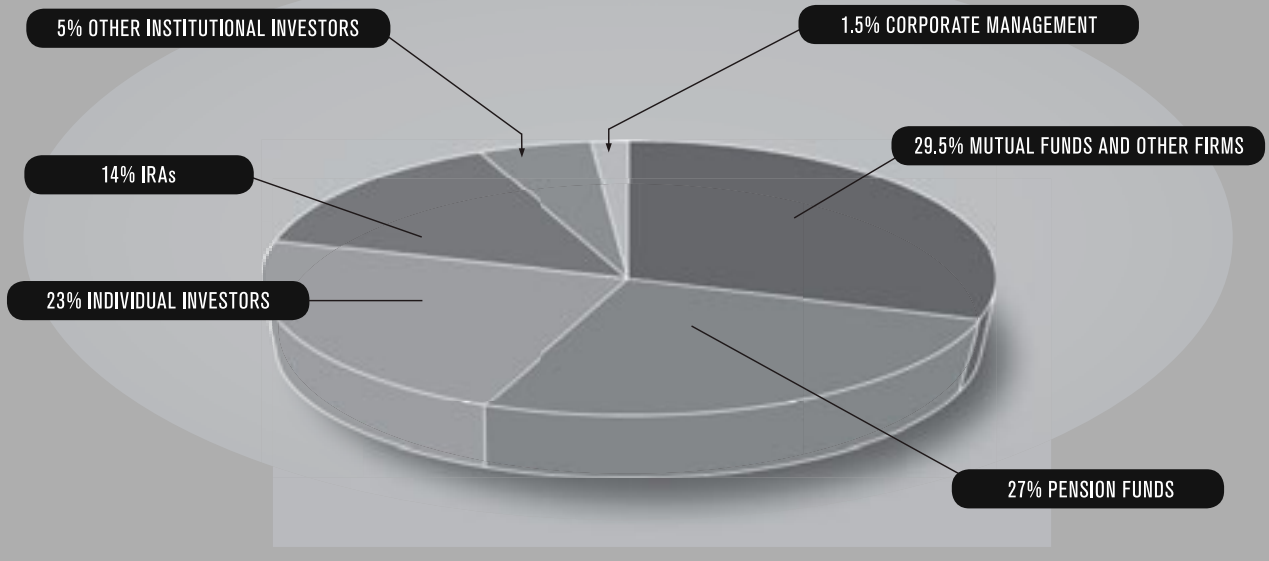

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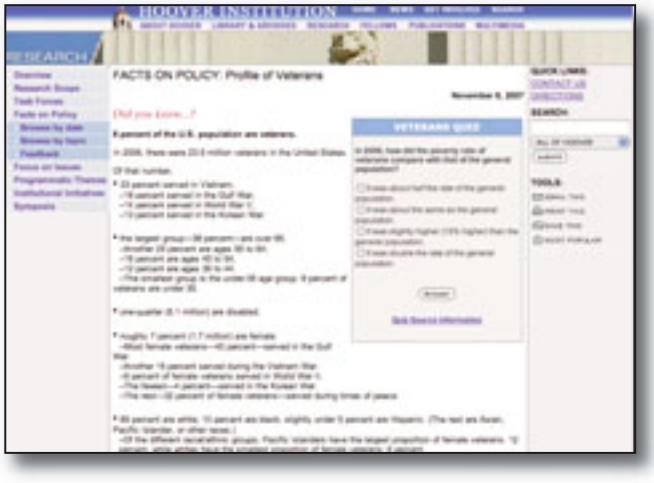

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the weekly Standard

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Power Outage

Samantha Power last week completed what might have been the most ill-starred book tour since the invention of movable type. A Harvard professor and foreign policy writer who won a Pulitzer for her 2003 study of genocides, *A Problem from Hell*, Power is a card-carrying member of the Obamaphile elite—she plays basketball with George Clooney and claims that Sen. Obama sometimes text-messages her in the middle of the night. She arrived in the U.K. last week looking to promote her new book, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World*. (Vieira de Mello was the acclaimed top U.N. bureaucrat killed in the bombing of the U.N. headquarters in Baghdad in August 2003.)

On Monday, March 3, Power appeared on BBC radio and said that Obama, whom she had been advising, might be interested in doing some population relocation in Iraq. She said that such a course of action would be regrettable, but might be necessary, admitting that "moving potentially people from mixed neighborhoods to homogenous neighborhoods [is] tragic. . . . It's the equivalent of facilitating ethnic cleansing, which is terrible."

A week that began with her equating one of her candidate's mullings with ethnic cleansing only deteriorated from there. That same day, she sat for an interview with the *New Statesman*, telling the left-wing weekly that Obama was like Vieira de Mello in his "willingness to talk to dictators" (the magazine's phrase). Of the latter, she admitted, "In his relationship with evil, he almost got a little seduced."

On Thursday, Power appeared on the BBC TV show *Hardtalk*, where she tried to explain that Obama's commitment to withdrawing all combat troops from Iraq in 16 months is really just a "best-case scenario" (her words). Agog, the host asked, "So what the American public thinks is a commitment to get combat forces out in 16 months isn't a commitment?"

Power, who perhaps hadn't yet read the *New Statesman*'s write-up of her interview ("Dissembling does not come at all easily to her, and if she is to be part of an Obama White House she will have to learn to deliver the odd fib more persuasively") responded: "You can't make a commitment in March 2008 about what circumstances will be like in January of 2009. He will, of course, not rely on some plan that he's crafted as a presidential candidate or a U.S. Senator. He will rely upon a plan—an operational plan—that he pulls together in consultation with people who are on the ground to whom he doesn't have daily access now, as a result of not being the president."

Later that day, the *Scotsman* published an interview with Power in which she called Hillary Clinton "a monster." It hardly seemed fair—to Power, that is. During the course of her *Scotsman* interview Power said, in words reproduced verbatim by the paper: "She is a monster, too—that is off the record—she is stooping to anything. . . . You just look at her and think, 'Ergh.'" (The *Scotsman* was dishonorable in publishing this all-too-honest assessment clearly not meant for public consumption, but who at this late date expects honorable treatment from the U.K. media? The Harvard faculty isn't what it used to be.)

By that point the karmic snowball was rolling so fast, there was no stopping it. Soon, Power was taking cheap shots at Condoleezza Rice ("I'm nothing like her. I don't have any conventional political ambition") and insulting the British prime minister, telling the *Telegraph*, "I am confused by what's happened to Gordon Brown. I thought he was impressive." So much for a new spirit of cooperation with allies.

A few hours later, the Obama campaign put Power out to pasture. It is telling that both Power and the campaign indicated it was her remark about Clinton—not any of the other missteps—that did her in. In that way, Power's very bad book tour told us as much about Obama as it did about her. ♦

Coming of Age in Samoa

In a crass suck-up to the Communist leadership in Beijing, the Bush administration has spent the last several months complaining about the decision of the Taiwanese government to hold a referendum on joining the U.N. under the name of "Taiwan." (The Scrapbook wonders why anyone would want to join the U.N. under any name, but that's for another day.) What's been lost sight of in the midst of this ridiculous posturing by the administration is the fact that, on March 22, Taiwan will be holding its fourth free and competitive presidential election. No small feat for a little country sitting in the shadow of a huge neighbor that openly and daily threatens it with an arsenal of more than a thousand missiles pointed its way.

To its credit, the House of Representatives on March 5 passed a resolution praising both Taiwan's democratic achievement and the upcoming vote by the overwhelming margin of 409-1. The only odd note—other than the lone dissenting vote from our libertarian friend Ron Paul, who apparently doesn't care about liberty other than his own—was

(Classic Steiner, reprinted from our issue of August 21, 2000)

the deletion from the original resolution of a clause accurately noting that Taiwan "faces threat and intimidation from neighboring China." The deletion came at the insistence of the chairman of the House Asia and Pacific subcommittee, delegate Eni Faleomavaega from American Samoa. Yes, you read that right . . . American Samoa. Despite the fact that Mr. Faleomavaega is a nonvoting "member," it appears he gets to throw his considerable Samoan weight around when it comes to American foreign policy. What's next? D.C. delegate Eleanor Holmes Norton running the Armed Services Committee? ♦

The Iron Boot of Patriarchy

In a special report on the women's vote in the run-up to the Texas primary ("One Way or Another, Women Will Decide It"), the *Washington Post* last week uncovered shocking evidence of the ongoing oppression of women in this country.

There's bias in the workplace: "The tattoo gun vibrated in Wendi Ramirez's hand. . . . For 18 years she has worked in this male-dominated field, having to endure such comments as 'Little girl, you don't know what you're doing.' . . . 'This country is run by the white corporate male,' said Ramirez. . . . 'You want the torso really gruesome, right?' she asked her client."

And there are antediluvian attitudes at home: "'Hillary understands,' [says Jennifer Cruz Hernandez]. 'She's a mother and an attorney. As a woman you do it all—cook, wash, clean and feed the dog.' 'She probably hasn't done that in 30 years,' Carlos, 40 interrupted, referring to Sen. Hillary Rodham Clinton. 'You don't know,' Jennifer shot back. Hernandez has been dealing with macho men all her life. She once tried to shoot some pool in her father's bar in San Antonio, but her dad wouldn't let her. 'No, women don't touch the cues here,' he told his daughter."

No wonder Hillary Clinton won the Texas primary. ♦

The State of the Cuban Economy

Courtesy of Arnold Kling, who blogs at *econlog.econlib.org*, an excellent joke, told to him by "a professor who travels there annually":

> One Cuban young woman complains to another. "He lied to me! He told me that he was a luggage handler! It turns out, he's nothing but a neurosurgeon!"

"Luggage handlers working the tourist hotels," Kling points out, "often make more in one day than medical doctors receive in a month." ♦

Casual

Negative Pleasures

A friend of mine, a highly intelligent lawyer with an interest in human nature, not long ago asked me if I knew any men given over in a serious way to chasing women. When I said I did, he asked if I'd ever noticed that, at the end of a lifetime of doing so, these men seemed to have no regrets? I had to agree that, with the women-chasing men I knew, this seemed to be true.

DARREN GYGI

Not easy to get through life without collecting a hatful of regrets. My own are too commonplace to describe here, but I do count a few items in my life that are the very reverse of regrets. What I have in mind are negative pleasures, the genuine delight found in things avoided or deliberately not done.

I am very pleased, for example, never to have owned a station wagon. At one point, I had charge of four children, and toting them around in a station wagon would seem to have made good sense, yet I resisted. In the early 1960s, I came close to buying a used Volkswagen bus, but when the car dealership (Cliff Packer's Auto Ranch in Little Rock, Arkansas, salesmen equipped with ten-gallon hats and with toothpicks in mouth at no extra charge) wouldn't take cash but would only sell the bus to me on credit, the deal was killed. I have in fact lived in suburbs at various times in my adult life, but acquiring a station wagon would have forced me to regard myself as irretrievably suburbanite, which would have badly dampened my spirits.

Owning an SUV, the station wagon of our day, would be even more dispiriting. Climbing up and into and down and out of one of those monstrous heaps of metal would depress me beyond reckoning. Whenever I am driving behind one, the mortal words of Jackie Mason on the subject return to me: "Sports Utility Vehicle, hell. It's a truck, schmuck!"

Another great negative pleasure I enjoy is not having a Ph.D. Some of the most deeply stupid people in the country have Ph.D.'s. A mediocre student, I never for a moment considered going to graduate school, but I am fairly certain that I couldn't have endured the various tortures that acquiring a Ph.D. entails. I have an A.B., *in absentia* (as I always prefer to add), and mildly regret that I have that. I love to hear stories about men and women who never finished, or even entered, college and went on to score great artistic and financial successes, and only wish I could claim to be one of them.

An even greater delight, perhaps the chief negative pleasure in my life, is that I have never golfed. When I was a kid, my friends and I used occasionally to play miniature golf, and sometimes we would buy buckets of balls to hit off driving ranges; one I remember had the name Stop 'n' Sock, after a famous Chicago food emporium of the day known as Stop 'n' Shop. Cleverly, I never went on to acquire a set of clubs. (The initial expense must have deterred me.) Several of these same friends did, and today, it is not going too far to say that golf is close to being the main event in their lives. One of them, who struck it very rich, is said to belong to ten golf clubs here and in Europe. Others have settled for that Valhalla of so many commercial warriors, condominiums on golf courses.

I consider golf, like the Soviet Union, good only for the few excellent jokes it has produced, whose punch lines ring in my head: "So for seventeen holes, it was hit the ball and drag Irving, hit the ball and drag Irving." Or, Moses to Jesus: "What do you want to do here—screw around here, or play golf!"

Ah, not to wake early on weekend mornings, and then not to pull on peach-colored pants, shine up one's driver, kiss one's putter for luck, and drive off, to return at dusk one or two strokes better or worse than the last time out—not to do any of these things is for me, as Omar Khayyam had it, "paradise enow."

These trivial but to me genuine negative pleasures may not seem much to brag about, and in the grander scheme of things they aren't. Still, when I think that I shall never drive off, the letters Ph.D. as part of the vanity plate on my station wagon, for yet another round of golf, I realize, with a surge of pride, that I have not lived entirely in vain.

Joseph Epstein

the weekly Standard

The 'Don't Protect America' Democrats

It's been three weeks since Democrats in Congress allowed the Protect America Act of 2007 to expire. Three weeks in which House Democrats have allowed marginal special interest groups veto power over national security legislation. And no one in the House Democratic leadership seems particularly bothered by it.

Without a new law, intelligence professionals have to establish "probable cause" that the target of surveillance is a terrorist to the satisfaction of a judge on the court created by the Foreign Intelligence Surveillance Act of 1978 (FISA) before they can intercept the suspect's communications. This is an onerous and unprecedented burden on the intelligence community. FISA court orders were never meant to apply to foreign intelligence missions overseas. The last time U.S. spooks had to rely on FISA court approval to gather intelligence overseas—in the first half of 2007—the backlog of warrant applications quickly grew so thick that America's ability to hear what her enemies were saying was degraded by "70 percent," according to the director of national intelligence, Vice Admiral Mike McConnell. If FISA is not updated, it will be only a matter of time before we reach that point again. Something's gotta give, in other words. And soon.

Truth be told, the Democrats are not scared of Bush anymore. But they are scared of the left, which is adamant that the 'electronic communications service providers'—mainly giant telecoms—not be granted immunity from litigation for cooperating with the government.

The good news is that there is bicameral and bipartisan support for a new law, the FISA Amendments Act, which updates the U.S. intelligence community's electronic surveillance procedures and provides immunity to "electronic communication service providers" for cooperating with the government. The Democratic Senate already has passed the law by two to one. The chairman of the House intelligence committee, Texas Democrat Silvestre Reyes, has said he is open to a compromise along the lines of the Senate bill. It is widely expected that the House would pass such a compromise. And President Bush would happily sign it.

And yet: No sooner had the ink dried on Ellen Nakashima and Paul Kane's March 4 *Washington Post* story—"Wiretap compromise in works"—than House Democrats began to walk away from said compromise. On March 5, House Majority Leader Steny Hoyer said there might be a vote on the new law at the "beginning of next week." On March 6, Speaker of the House Nancy Pelosi said, "We are still working very hard," but House Democrats "are not going to abandon the Constitution." A vote may be put off until after next week's congressional spring break.

Why won't the House leadership bring the FISA Amendments Act to the floor? Democrats provide different reasons. The Capitol Hill publication *CongressDaily* quotes House Democratic aides who cite the "tight floor schedule" as the reason this necessary and important law has to wait. Yet the House found time for "HR 1143," which approves a lease agreement between the Interior Department and the Caneel Bay luxury beach resort in the U.S. Virgin Islands. (The service is supposed to be fantastic at Caneel Bay, incidentally.)

Other Democrats blame Bush. In a February 25 *Post* op-ed, the chairmen of the House and Senate intelligence and judiciary committees accused the president of deploying "scare tactics and political games" because he is "desperate to distract attention from the economy and other policy failures" and wants to "use this issue to scare the American people."

All of which is partisan silliness, of course. Truth be told, the Democrats are not scared of Bush anymore. But they are scared of the left, which is adamant that the "electronic communications service providers"—mainly giant telecoms—not be granted immunity from litigation for cooperating with the government on foreign

surveillance of terrorists during the years when FISA did not have authority over the program. The left wants the roughly 40 pending lawsuits against the providers to proceed so that—to quote MSNBC "news" anchor Keith Olbermann—the "AT&Ts and the Verizons" will be held accountable "for their systematic, aggressive, and blatant collaboration" with Bush's "illegal and unjustified spying on Americans." Just imagine, Herr Olbermann continues, his bile rising: government . . . and business . . . working . . . together! "What else is this but fascism?"

We don't pretend to be shocked at such arguments from such a source. The imputation of bad faith to the Bush administration and those who agree with it is now so widespread in Washington that spittle-laced histrionics like Olbermann's are par for the course, sad to say. Dispassionate facts are in short supply. But here are a few: The left has been angry for years about Bush's secret program of foreign intelligence surveillance conducted between September 11, 2001, and January 17, 2007, when the president submitted such surveillance to the FISA court for approval. During this time, the government's foreign intelligence collection efforts were known as the "Terrorist Surveillance Program." It was not "illegal." Just because the ACLU and the Electronic Frontier Foundation say it was doesn't make it so. Federal case law has long upheld the president's authority to gather foreign intelligence without warrant. FISA does not trump that authority.

You do not have to take our word for it, either. It was a Democrat, Carter attorney general Griffin Bell, who pointed this out when FISA was created in 1978. It was another Democrat, Clinton's deputy attorney general Jamie Gorelick, later a vice chair of the 9/11 Commission, who made the same point when FISA was amended in 1994.

And there are plenty of Democrats who agree it is fair to grant immunity to the telecoms, too. In an interview last week with *National Journal*, Barack Obama adviser John Brennan, a former CIA operative, said he believes "strongly" that the telecoms "be granted immunity" and that the "Senate version of the FISA bill addresses the issues appropriately." And the Democratic Senate Intelligence Committee concluded, in the bipartisan findings of its 2007 report on the FISA Amendments Act, that during the Terrorist Surveillance Program's lifespan, "electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful." The Committee went on to write that "electronic surveillance for law enforcement and intelligence purposes depends in great part on the cooperation of the private companies that operate the Nation's telecommunications system." The "unique historical circumstances" in which the country found itself after sustaining a terrorist attack that killed 3,000 innocent people gave the providers a "good faith basis" on which to cooperate with their government.

Furthermore, writes the Senate Intelligence Committee, "without retroactive immunity" the "private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation." Surveillance might be impeded, in other words. And it isn't too hard to figure out why: Saddled with lawsuits and burdensome discovery, the companies, in the event of a government request for further assistance, probably would start thinking, *Fooled me once, shame on me . . . won't get burned again. . . .* That, at least, is the "informed judgment of the committee," as its chairman, the liberal Democrat Jay Rockefeller, wrote in his additional comments.

Not quite "fascism," is it?

Indeed, the caricature of Bush as a lawless villain with a "my way or the highway" attitude is breathtakingly false; the administration has been almost entirely cooperative with Congress on FISA reform, and has already conceded plenty. "The ability of the full committee to perform" its "oversight responsibilities" has been "significantly augmented by improved access to information" provided by the administration, wrote the authors of the Senate report. Committee members "received the cooperation of many officials from the intelligence community and the Department of Justice." They "received many classified briefings, propounded and received answers to many written questions," and "conducted extensive interviews with several attorneys in the Executive branch who were involved in the review of the President's program."

Meanwhile, Bush has agreed, as part of the FISA Amendments Act, to require court approval of surveillance of Americans abroad—a requirement to which no previous U.S. president has ever acceded. He has accepted the new, burdensome reporting requirements contained in the legislation in order to assist in congressional oversight. He has, in fact, done pretty much everything he could do to get Congress to reform FISA and protect the communications providers from lawsuits, short of asking Congress "pretty please with a cherry on top."

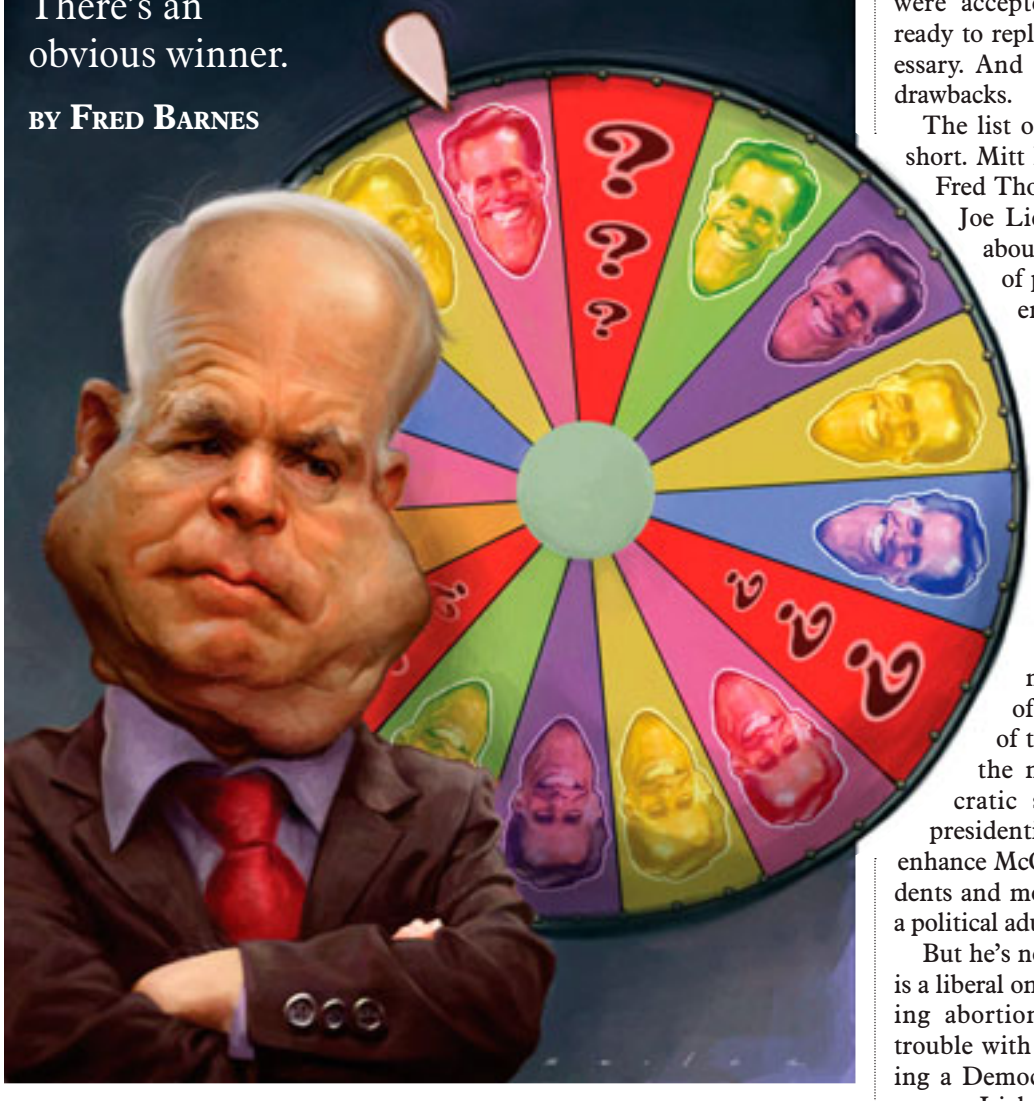
But that doesn't seem to be enough. It never seems to be enough. Six of the eight Democrats on the Senate Intelligence Committee supported the FISA Amendments Act. Twenty of the 51 Democrats in the full Senate supported it. Recently 21 state attorneys general wrote a letter urging the Congress to pass the Senate bill. Seven of the signatories were Democrats. There are plenty of House Democrats who would sign a similar letter if given the chance. They agree that reforming FISA and granting the communications providers immunity is the right thing to do. They agree that this debate is about neither politics nor partisanship. Nor is it a debate over executive authority. It really is all about protecting Americans from attack. These Democrats are all members of their party in good standing. Isn't it time Speaker Pelosi listened to them?

—Matthew Continetti, for the Editors

The Veepstakes

There's an obvious winner.

BY FRED BARNES



When John McCain begins his search for a vice presidential running mate, he'll quickly come upon a sad fact. He wants a candidate who will be seen as a plausible president. That's criterion number one. He also wants someone who won't subtract from his campaign in any serious way. That's criterion number two. The unfortunate truth is that few Republicans meet these simple criteria. McCain doesn't have much of a pool to choose from.

But his selection matters enormously, all the more because of his age. McCain will turn 72 on the eve of the Republican convention this summer. Choosing a running mate is the first major decision that a presidential nominee makes. And the nominee is judged by the quality of his pick and even by the smoothness of his selection process. So McCain had better choose well.

He has the right idea in mind. McCain thinks three vice presidential picks from the recent past were wise: Republican Dick Cheney in 2000 and Democrats Joe Lieberman in 2000 and Al Gore in 1992. They were nationally known political heavyweights who passed the most important test. They were accepted almost instantly as ready to replace the president if necessary. And they had no significant drawbacks.

The list of plausible presidents is short. Mitt Romney, Rudy Giuliani, Fred Thompson, Tom Ridge, and Joe Lieberman qualify. That's about it. There are a number of popular Republican governors—Charlie Crist of Florida, Tim Pawlenty of Minnesota, Mark Sanford of South Carolina, Haley Barbour of Mississippi—but they fall short of Cheney-Lieberman-Gore stature. It's not their fault, but it's nonetheless true.

So how about Lieberman in 2008? He's a pal of McCain, a brave backer of the war in Iraq, and now the most prominent Democratic supporter of McCain's presidential bid. He would surely enhance McCain's appeal to independents and moderate Democrats. He's a political adult.

But he's no Zell Miller. Lieberman is a liberal on domestic issues, including abortion. McCain already has trouble with conservatives and picking a Democrat would make things worse. Lieberman would probably subtract more votes from the McCain ticket than he'd add.

So would Giuliani and Ridge. True, Giuliani was a hero of 9/11 as mayor of New York, and Ridge, a former Pennsylvania governor, was President Bush's first homeland security chief. But both are pro-choice on abortion and would horrify social conservatives, an indispensable part of the Republican coalition. Giuliani or Ridge might prompt a third party pro-life presidential challenger.

Fred Thompson, the ex-senator from Tennessee and now a TV actor,

JASON SEILER

Fred Barnes is executive editor of THE WEEKLY STANDARD.

is also a close friend of McCain. If he'd run a more spirited presidential campaign of his own this year, he'd be the obvious pick for running mate. But his campaign was dreary and disappointing. McCain needs someone more vibrant and upbeat.

That leads to Romney. He has run a vigorous national campaign and been vetted by the press and his opponents for the Republican nomination. These are very strong pluses. A pick who produces unhelpful surprises, as Geraldine Ferraro did in 1984 (her husband's business deals) and Dan Quayle did in 1988 (his National Guard duty), is exactly what McCain doesn't need. Romney is a known quantity.

Romney has three other add-ons. He's acceptable to conservatives and especially to social conservatives, who disproportionately volunteer as ground troops in Republican presidential campaigns. He's unflappable in debates. With the downturn worsening, the economy may surpass national security as the top issue of the campaign. And after years of success as a big time player in the global economy, Romney understands how markets work. He could shore up McCain's admitted weakness on economic issues.

Romney has allies in the Bush wing of the Republican party. President Bush favors him as McCain's veep. Jeb Bush, the former Florida governor, preferred Romney over McCain in the primaries, but never endorsed him publicly. Karl Rove, the president's political strategist, has hinted that he considers Romney to be McCain's best running mate.

Is there a downside to Romney? Possibly. It's not his Mormonism. He lost the nomination to McCain, but religion wasn't the reason. As a corporate turnaround artist, he rescued companies, sometimes by laying off workers. When he ran for the Senate from Massachusetts in 1994, the incumbent, Teddy Kennedy, raised the layoff issue with punishing effect. No doubt Democrats would use it again, and it might have resonance if a recession hits and unemployment is increasing.

Mike Huckabee's name is bound to come up in the veepstakes, since he's now run nationally and been vetted. According to Rove, he would "double" McCain's trouble with conservatives. Both foreign policy and economic conservatives would scream bloody murder if McCain chose the Huckster.

Presidential nominees once tried to balance their ticket with someone who'd helped win a state they might otherwise lose. This hasn't entirely gone out of fashion. Governor Tim Pawlenty of Minnesota is often mentioned in this regard. Former House member John Kasich and ex-trade representative and budget director Rob Portman, both from Ohio, are too.

McCain has also been advised, at least by the media, to pick a much younger person for vice president. Governor Matt Blunt of Missouri, 37, and a handful of others have had their names trotted out. Some of them have impressive credentials. Blunt, for example, is an Annapolis graduate and a Naval Reservist called to active duty after 9/11.

But I don't believe the option of choosing a running mate for purely political reasons is open to McCain—not during wartime, anyway. His strong suit against Barack Obama, his likeliest Democratic opponent, or even against Hillary Clinton, is experience. In fact, Clinton has set up Obama to be attacked by McCain on this front.

Her TV ad raising doubts about Obama's readiness to be president was critical to her victories last week in the Ohio and Texas primaries. She also said in a campaign appearance: "Senator McCain will bring a lifetime of experience to the campaign. I will bring a lifetime of experience [to the White House] and Senator Obama will bring a speech he gave in 2002. I think that is a significant difference." In Obama's 2002 speech, he opposed the invasion of Iraq. One can envision her comment in a McCain TV ad zinging Obama.

McCain would throw away the experience issue if he named a much younger running mate or someone without national stature or a background in world affairs. Obama's response could be devastating: "If experience is so important, why

did you pick a running mate who has so little, indeed less than I do?"

Romney thus appears to have the best ratio of virtues to drawbacks. But there's just one problem: McCain doesn't like him. Just how important compatibility is—that is something McCain will have to decide. ♦

The Fat Lady Hasn't Sung

How Hillary could still win.

BY JOHN MCCORMACK

It's nearly impossible for Hillary Clinton to win more pledged delegates than Barack Obama, but can she still win the nomination? Yes, she can. Here's what her path to victory might look like.

To reach a nominating majority of 2,025 delegates, Clinton would need to win about 540 of the 954 delegates still up for grabs. Of this total, 611 are pledged delegates—to be allocated in the 12 remaining state primaries and caucuses; 343 are still-neutral super-delegates—the party honchos who are seated at the convention but not elected by the voters and can back whomever they please. (I'm relying on the Real Clear Politics estimate of still-neutral super-delegates.) The more pledged delegates Clinton wins in the remaining contests, the fewer super-delegates she will need. For example, if she wins 51 percent of the remaining pledged delegates, she will need 66 percent of the remaining super-delegates.

But if Clinton is to have any hope of the super-delegates' going 3-to-2 in her favor, she will need an impressive win in the Pennsylvania primary on April 22. A 10-point margin of victory might do it—adding 200,000 votes or so to her total haul in the primaries, which would put her within striking distance of Obama's lead in the popular vote. If you include Florida, where both candidates were on the ballot but did not campaign because the state was stripped of its delegates for breaking party rules, Obama currently leads the popular vote by less than 300,000 votes. Depending on the results from Mississippi's March 11 primary, Clinton would need to gain about 100,000 to 200,000 votes throughout the May primaries in North Carolina, Indiana, West Virginia, Oregon, and Kentucky to pull ahead.

While the Democratic nominee will ultimately be determined by the convention delegates, winning the popular vote would give Clinton a compelling claim that super-delegates should ratify the will of the voters—an argument that would fall on friendly ears in a party still aggrieved that Al Gore lost the Electoral College in 2000 despite winning the popular vote. "Imagine a split in the popular vote and the Electoral College—only this time the Electoral College does not have the Constitution conferring upon it moral legitimacy," writes Jay Cost of Real Clear Politics. "Which count will people prefer?"

Clinton will be able to make her case not only to super-delegates but also to the pledged delegates, who are bound by honor but not by party rules to vote for the candidate to whom they are "pledged." A memo from the Democratic National Committee (DNC) that was circulated to reporters reads: "A delegate goes to the convention with a signed pledge of support for a particular presidential candidate. At the convention, while it is assumed that the delegates will cast their vote for the candidate they are publicly pledged to, it is not required."

The two campaigns will therefore scrap for every last delegate, pledged or not. A senior Clinton official told *Politico* in February that "as we get closer to the convention, if it is a stalemate, everybody will be going after everybody's delegates." However, veteran Democratic consultant Tad Devine says, "Based on my experience working the delegate operations for three presidential campaigns . . . I think there is almost no likelihood at all of [pledged delegates] changing from one candidate to another." Of course, no two candidates have ever arrived at a nominating convention evenly matched.

At the very least, the ability of pledged delegates to switch sides might create enough uncertainty to send the nomination battle to the convention floor, even if Clinton is behind by 100 delegates after all the primaries are over (the last contests are the Montana and South Dakota primaries on June 3).

The Democratic race certainly has plenty of twists and turns left. Some states have not yet elected their slates of pledged delegates. And we still don't know the identities of 76 of the super-delegates. How is that possible? Under DNC rules, 76 super-delegates—more than the combined elected delegates from Iowa and New Hampshire—are designated as "add-ons," to help the Democratic delegation meet inclusion goals for "African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women," as well as "members of the LGBT [Lesbian, Gay, Bisexual, and Transgender] community and people with disabilities."

It's not clear who will win this "quota primary." The "add-on" super-delegates will be determined between now and the end of June by state party committees, committees of pledged district delegates, or state conventions. DNC spokeswoman Stacie Paxton

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says that "it's up to the state parties to determine the unpledged add-on delegates," and the issue of determining an "add-on" super-delegate's presidential preference is not addressed by DNC rules.

A nomination battle that has been fought along lines of gender and ethnicity could culminate on June 1 in Puerto Rico where 55 delegates are at stake—more than the combined pledged delegates of Wyoming, Montana, and South Dakota. Though Puerto Rico's governor has endorsed Obama, the territory is over 80 percent Hispanic and Catholic, demographic groups that have favored Clinton this year. It was announced just last week that Puerto Rico would switch from holding June 7 caucuses to a June 1 primary, with delegates apportioned proportionally. This diminishes the chance that Clinton could run the table as, say, Obama did in Idaho on Super Tuesday, when he won the state's caucuses 80 percent to 17 percent.

Still more wild cards: There will be a detour on March 15 back to Iowa, for another round of caucusing, which will help determine who gets John Edwards's delegates. And then there are the two jokers in the pack: Florida and Michigan were stripped of their delegates for breaking DNC rules by holding their primaries too early. They voted anyway, and Clinton won both. Neither the DNC nor those two states seem willing to foot the bill for multimillion-dollar do-over primaries, but in all likelihood there will be a re-vote if the race remains tight into late spring.

With so much up in the air, Clinton could easily take her case to the floor of the Democratic convention in Denver this August. In 1980 Ted Kennedy fought all the way to the convention to see if he could flip enough of President Carter's delegates, even though he was trailing by an overwhelming margin. With solid wins in the remaining primary states, Hillary Clinton could pull within 50 delegates of Obama and somehow win over the super-delegates she needs. Stranger things have happened. ♦

Looking Presidential

With the nomination wrapped up, McCain plots his campaign. BY STEPHEN F. HAYES

Houston

On a sunny Texas day last week, two men discussed politics under the shade of a 14x22 foot concrete armadillo as they watched the chaos of John McCain's arrival at Goode's Armadillo Palace.

"I wonder if the *New York Times* is here?"

"I'd like to kick their ass!"

Leaving aside the question of how, exactly, this man would kick the ass of a newspaper, it's fair to say that this sentiment was representative. Inside, would-be cowboys at the bar sit on saddles fixed atop sturdy wooden posts. A mounted longhorn head fell off the wall and killed a piano player in the early 1930s, according to local legend. It's only noon, but it is dark inside, and the rowdy crowd gives the place a distinct Saturday night feel.

McCain takes the stage to enthusiastic applause and begins his remarks. He is bathed in bright light courtesy of local television crews, and he squints as he speaks. Soon, it's too much. He asks for the lights to be dimmed so that he can see the people in front of him. It's a natural request but a self-defeating one, too, as the chief purpose of such events is to help McCain carry his message beyond the 200 people packed into the restaurant to see him live.

Last week it didn't matter much. Less than 12 hours later, McCain won primary victories in Rhode Island, Vermont, Ohio, and Texas, and thereby enough delegates to secure the Republican nomination. But those little things will matter more soon. As he sails toward a general election against an unknown opponent, many expect his campaign operation to undergo some dramatic changes—from the torn sails and marauding spirit of a pirate ship to the hulking engines and sleek lines of a cruise ship. They're half right.

At the risk of really killing the metaphor, he will be less dependent on the wind—on factors he cannot control—than he was in the primaries. The money and national political network that come with being a nominee will allow McCain to build the kind of operation his team had begun to put together last spring, when overspending left the campaign nearly broke. In that sense, his campaign will get an upgrade. Still, all signs point to a strong year for Democrats, and McCain will be outspent by the Democratic nominee, whether Hillary Clinton or Barack Obama, next fall.

So while McCain's effort will begin to take on the qualities of a real general election campaign, he intends to preserve much of the insurgent character that helped him get this far. Either way, it will be unconventional and, at the beginning, nonideological.

After a quick "thank you" tour of New Hampshire, McCain plans to kick off the new phase of the campaign by not campaigning at all. At least not overtly. Later this month, he will spend more than a week overseas, with stops in Europe and the Middle East. His advisers say that while McCain is going chiefly to assess progress in these areas, he will also reinforce an important campaign message as the Obama-Clinton fight continues. "While those two are throwing deck chairs at each other, he'll look like the president," says a senior adviser to McCain.

When he returns, McCain will

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deliver what one adviser calls a "significant national security address," talking specifically about the future of the war in Iraq, the importance of a stable Iraq to U.S. policy in the region, and more broadly, how a McCain administration would win the struggle against radical Islamic extremism.

After that, McCain will begin a cross-country tour emphasizing his life story. His advisers believe that while most Americans have a vague sense that McCain served his country in the military and in political life, they don't actually know his story. This trip—the "Service to America" tour—is intended to fill out that narrative. It will feature stops in cities and towns that have somehow shaped his life. Among them: McCain Field in Mississippi; the U.S. Naval Academy in Annapolis, Maryland, where McCain graduated fifth from the bottom of his class; Pensacola, Florida, where he trained at the naval air station; and Jacksonville, Florida, where he lived upon returning from his time as a POW in Vietnam. At each stop, the campaign will emphasize one aspect of McCain's character and talk about why it will be important in the White House.

In the months ahead, as he gives definition to his general election campaign, McCain will spend a good chunk of his time visiting places "where Republicans are not often seen," says an adviser. "Inner cities, poor rural communities, places left behind." He will speak to concerns about the economy and unveil an "empowerment" agenda designed to serve as a contrast to "the discredited policies of the 1960s and 1970s."

Not surprisingly, Jack Kemp likes the idea. "I would expect John to do a tour like that," says Kemp, who is advising McCain. "When he came to the House in 1982, he was a strong supporter of enterprise zones. And as a senator from Arizona, he has done a lot for Native Americans, Latinos, Hispanics. His stance on immigration was by far the most positive in the GOP primaries. He's comfortable with people who are not WASPy Republicans, not country club Republicans, and that's what makes some of our friends on the right very nervous. He can reach out to Reagan Democrats, independents, and people of color."

This plan was hatched before Hillary Clinton's successful night last Tuesday, when a McCain-Obama contest looked almost certain. Obama has struggled to win votes from what pollsters describe as "down-market" voters, and McCain advisers are confident their candidate can pick some of them up. Even if Clinton is the nominee, McCain's outreach to these voters could help him appeal to her main constituency, women.

McCain's general election campaign will be unconventional in two other aspects, as well. He will continue to provide reporters with virtually limitless opportunities to ask him questions in sessions on his campaign bus and in almost daily media availabilities. And most of his public events will be town halls, not speeches, something that will provide a stark contrast to the tightly controlled campaign of either Barack Obama or Hillary Clinton.

The practical reason for this is obvious: He needs the "free media" coverage to offset what will be a huge disadvantage in paid media such as TV and radio ads. But McCain also enjoys these interactions with reporters and journalists. He says he needs the intellectual stimulation in order to keep the long days of the campaign from getting boring or repetitive.

The town halls, in particular, present risks. Some crackpot could ask McCain about something obscure in an effort to trip him up—say, a question about his plans for the president's working group on financial markets. Oh wait, that was Ron Paul during a presidential debate. Same idea. Still, because the campaign does not control which audience members get time with the microphone, McCain is sometimes left to clean up a potential mess on his own.

At the Armadillo Palace in Houston, for instance, one voter had a rather unique reason for supporting McCain. "Unlike other candidates in the race, if Cindy answers the phone at 3 a.m, she won't have to wonder where her husband is." The audience shouted its delight. But McCain wasn't happy. "I don't associate myself—even though it was meant in humor—I want to assure you what we will have in this event is a respectful campaign and I will respect Senator Obama and Senator Clinton."

Fair enough. But McCain has a very sensitive ear to perceived insults, and he is quick—sometimes too quick—to profess his dedication to civility. In Waco, one night before he secured the nomination, McCain took a question from a man who mistakenly addressed him as "President McCain." The audience laughed, then applauded, and the questioner joked that McCain could pay him the agreed upon $10 after he was done. More laughs. McCain had turned in a stiff performance, and the voter was doing him a favor by loosening up the audience. Basking in the love he'd gotten from the audience, the guy introduced his real question with another joke. "First, I want to make a comment that I feel Mrs. McCain will be a lot better first lady than Bill Clinton would."

It was a harmless remark and people loved it. But McCain felt the need to create some distance. "I take the humor," McCain said, turning serious. "I would like to point out that I will conduct a respectful campaign. We will respect all of our opponents and their spouses in this campaign." The crowd fell silent and in two seconds he had sucked the enthusiasm out of the room.

There are other risks to talking this much in public and to the press. It increases the likelihood that the candidate will make a mistake or say something that can be taken out of context by his opponents. Last year, McCain drew attention to himself when he joked about war with Iran by singing "Bomb Iran" to the tune of the Beach Boys' "Barbara Ann." He said he was not troubled by the prospect of a low-level, long-term U.S. presence of Iraq for 100 years, a remark that has been taken out of context and used against him by the Democrats. And last week, he leapt awkwardly into the long-simmering controversy about whether children's vaccinations can lead to autism.

McCain's team isn't worried. "Voters are not going to focus on a bunch of little stuff," says Steve Schmidt, a top McCain adviser. "They'll get the big-picture stuff that this election will be decided on." ♦

Obama's Constitution

The rhetoric and the reality.

BY EDWARD WHELAN

Justice John Paul Stevens turns 88 in April, and by January 2009 five other justices will be from 69 to 75 years old. If Barack Obama is elected president, he will probably—with the benefit of resignations by liberal justices eager for him to be the president who chooses their successors—have the opportunity to appoint two or three Supreme Court justices in his first term, with another two or three in a potential second term. That prospect ought to focus the attention of all Americans who want a Supreme Court that practices judicial restraint and respects the proper realm of representative government. For Obama, if elected, would certainly aim to fill the Supreme Court—and the lower federal courts—with liberal judicial activists.

Although Obama has served in the Senate for barely three years, he has already established a record on judicial nominations and constitutional law that comports with his 2007 ranking by the *National Journal* as the most liberal of all 100 senators. Obama voted against the confirmations of Chief Justice John Roberts and Justice Samuel Alito, and he even joined in the effort to filibuster the Alito nomination. In explaining his vote against Roberts, Obama opined that deciding the "truly difficult" cases requires resort to "one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy." In short, "the critical ingredient is supplied by what is in the judge's heart." No clearer prescription for lawless judicial activism is possible.

Indeed, in setting forth the sort of judges he would appoint, Obama has explicitly declared: "We need somebody who's got the heart, the empathy, to recognize what it's like to be a young teenage mom, the empathy to understand what it's like to be poor or African-American or gay or disabled or old—and that's the criterion by which I'll be selecting my judges." So much for the judicial virtue of *dis*passion. So much for a craft of judging that is distinct from politics.

In his short time in the Senate, Obama has voted against a half-dozen federal appellate-court nominees. Most tellingly, he was the first senator to join in the left's mendacious attack in 2007 on Fifth Circuit nominee Leslie Southwick—an attack that managed to drag the judicial-confirmation process to a new low. Southwick had been widely regarded as a consensus pick. The ABA's judicial-evaluations committee, after an investigation that included the usual inquiry into whether the nominee has "freedom from bias and commitment to equal justice under the law," unanimously gave him its highest "well qualified" rating. The Democrats on the Senate Judiciary Committee had, just months before, unanimously approved his nomination to a federal district judgeship.

Nevertheless, when left-wing activist groups launched their attack on Southwick, Obama jumped right in. Relying on gross misrepresentations of Southwick's record, Obama recklessly alleged that Southwick "has shown hostility towards civil rights and a disregard for equal rights for minorities, women, gays and lesbians" and that his nomination even "threaten[ed] the very basis of our freedom and democracy." Fortunately, some Democratic senators—most prominently, Judiciary Committee member Dianne Feinstein—had the courage to stand up against these lies from Obama and others, and Southwick was ultimately confirmed.

Obama's constitutional activism is particularly evident on the touchstone issue of *Roe* v. *Wade*. Obama calls abortion "one of the most fundamental rights we possess" and promises to "make preserving women's rights under *Roe* v. *Wade* a priority as president." He has harshly criticized the Court's 2007 ruling that the federal partial-birth abortion act (which was supported by broad bipartisan majorities in Congress, including abortion supporters like Senate Judiciary Committee chairman Patrick Leahy) is constitutionally permissible.

Obama often cloaks such extreme positions in sweet-sounding rhetoric. His chapter on "Our Constitution" in his campaign manifesto, *The Audacity of Hope*, provides a useful case study. There, Obama characterizes his own understanding of the Constitution in positively unctuous terms: "I confess that there is a fundamental humility to this reading of the Constitution and our democratic process." But there is nothing humble about the judicial role that Obama embraces.

Obama purports to be "not unsympathetic to Justice Antonin Scalia's position" that the "original understanding [of the Constitution] must be followed," but he won't even present Scalia's views accurately. Let's set aside the fact, all too common among liberal critics, that Obama doesn't keep straight the distinction between Scalia's original-*meaning* species of originalism, which looks to the public meaning of a constitutional provision at the time that it was adopted, and the original-*understanding* species, which looks to

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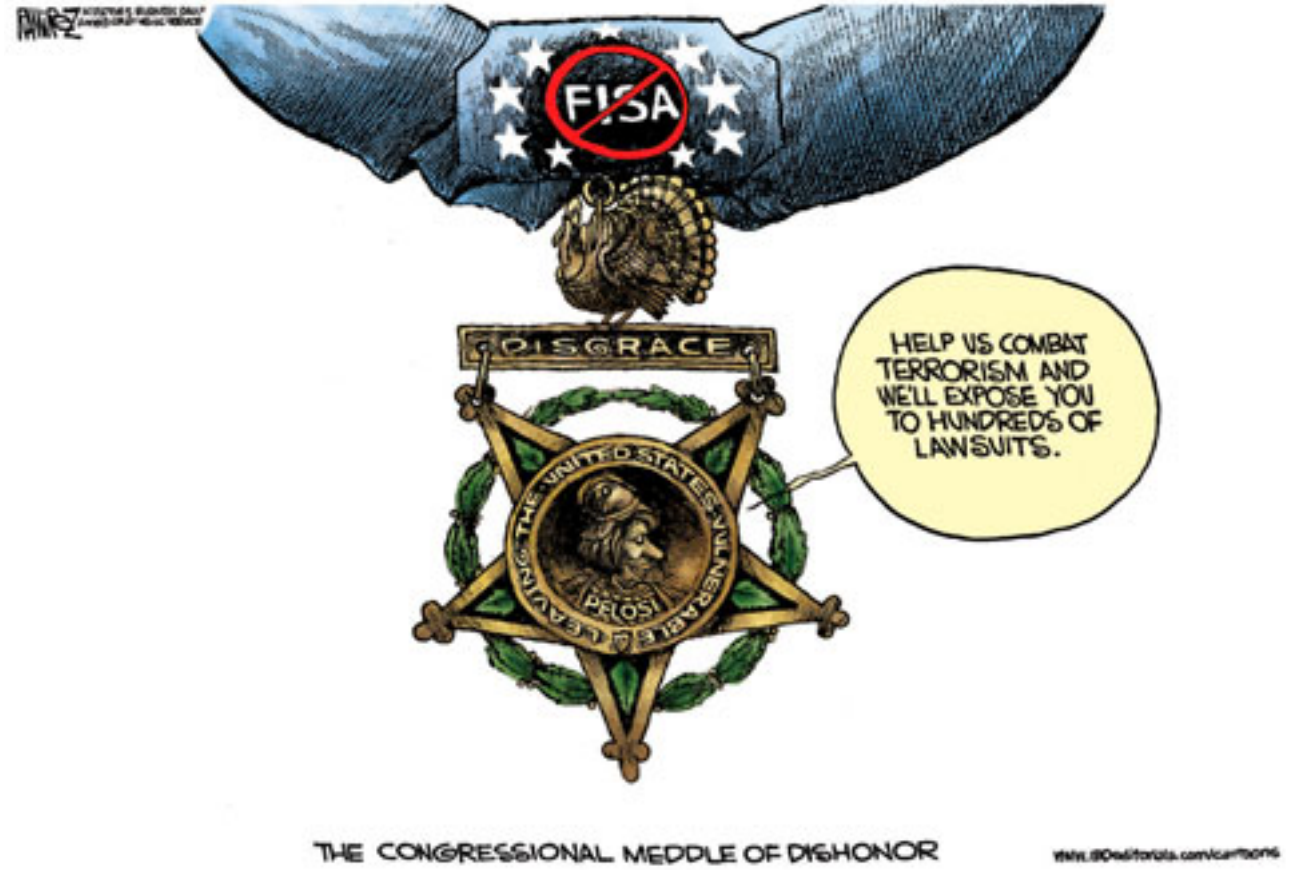
the contemporaneous understanding of the ratifiers. Obama claims to

> appreciate the temptation on the part of Justice Scalia and others to assume our democracy should be treated as fixed and unwavering; the fundamentalist faith that if the original understanding of the Constitution is followed without question or deviation, and if we remain true to the rules that the Founders set forth, as they intended, then we will be rewarded and all good will flow.

But Obama's "fundamentalist" name-calling is misplaced. Originalists understand the Constitution—not "our democracy"—to be "fixed and unwavering" (apart from the amendment process it provides, of course). They recognize that, precisely because the Constitution leaves the broad bulk of policy decisions to legislators in Congress and in the states, there is lots of room to pursue and adapt different courses through the democratic processes. No originalist believes that judicial respect for the operations of representative government will guarantee that "we will be rewarded and all good will flow." This is a straw man. The virtue of originalism lies foremost in protecting the democratic decision-making authority that the Constitution provides. Our legislators will be sure to mess up plenty, but at least citizens will have the ability to influence them—and replace them.

Obama finds himself compelled "to side with Justice Breyer's view of the Constitution—that it is not a static but rather a living document, and must be read in the context of an ever-changing world." But no one disputes that the Constitution "must be read," and applied, "in the context of an ever-changing world." The central question of the last several decades is, rather, whether it is legitimate for judges to alter the Constitution's meaning willy-nilly—in particular, whether judges have unconstrained authority to invent new constitutional rights to suit their views of what changing times require. The cliché invoked by Obama of a "living" Constitution disguises the fact that the entrenchment of leftist policy preferences as constitutional rights deprives the political processes of the very adaptability that Breyer and company pretend to favor. As Scalia has put it, "the reality of the matter is that, generally speaking, devotees of The Living Constitution do not seek to facilitate social change but to prevent it."

And so on for all of Obama's other deceptive rhetoric in his chapter on "Our Constitution" in *The Audacity of Hope*, including his galling claim to be "left then with Lincoln" in their supposed common understanding of the Constitution. On judicial nominations, Obama brazenly contends that "Democrats used the filibuster sparingly in George Bush's first term: Of the President's two-hundred-plus judicial nominees, only ten were prevented from get-



MICHAEL RAMIREZ

ting to the floor for an up-or-down vote." What Obama's casting conveniently obscures from the trusting reader is that these filibusters were unprecedented in the history of the Senate. Obama even pretends that it's obvious that Republicans would resort to the filibuster "if the situations were reversed." But the best evidence refutes Obama: There were only four votes on cloture—on proceeding to a final vote on confirmation—on judicial nominations during the Clinton administration. All four were supported by Republican leadership, and none received more than 14 negative votes from Republican senators.

In the end, an examination of Obama's record and rhetoric discloses the stuff he is made of—his own constitution. Beneath the congeniality and charisma lies a leftist partisan who will readily resort to sly deceptions to advance his agenda of liberal judicial activism. Given the likelihood of so many changes in the membership of the Supreme Court over the next eight years, it is particularly important that voters this November recognize the real Obama. ♦

Left Behind

Chile's retrograde socialists.

BY JOHN LONDREGAN

Santiago, Chile

While the presidential primaries consumed the front pages of U.S. newspapers last week, the Colombian army's successful destruction of a base in Ecuador used by the FARC terrorists received only sporadic attention. Except for the remarkable success of the Colombian army in locating and destroying a nest of terrorists, the main participants all behaved about as one would expect: Venezuelan president Hugo Chávez, Ecuadorian president Rafael Correa, and the FARC acted like thugs; Colombian president Álvaro Uribe bravely stood up to terrorism; the French government was caught appeasing another terrorist organization, while international bodies meant to keep the peace held long meetings with no substantive result.

What ought to come as a surprise—an unpleasant one—is the reaction of the president of Chile, Michelle Bachelet. Chile's left of center governing coalition, the "Concertación," is often referred to as the alternative to the "toxic" or "predatory" left epitomized by the likes of the Castro brothers, Chávez, Correa, and Bolivia's Evo Morales. Indeed, last January Chilean Socialist (and president of the Organization of American States) José Miguel Insulza had the temerity to criticize Chávez's silencing of an opposition TV station—an act of principle that earned Insulza a fistful of obscene epithets from the petulant Chávez. How curious, therefore, that President Bachelet's initial reaction to the strike against FARC (the Revolutionary Armed Forces of Colombia) was angrily to denounce Colombia's actions as unacceptable. Where, one might ask, was the voice of Latin America's "other left"?

Bachelet's intemperate reaction to Colombia's act of self defense is but the latest in a series of public statements and public policies that highlight the unwillingness of Chile's left actually to be Latin America's reasonable left of center alternative to the carnivores in Caracas and the homicidal ideologues in Havana. From a penchant for state-centered solutions, to a hostility towards law enforcement, to a disposition to impose abortion on a predominantly Catholic country, Chile's Concertación has proved remarkably hostile to personal and economic freedom.

Every Chilean president since March 1990 has been a part of the Concertación. During the period per capita incomes have approximately doubled, thanks to low tariffs and taxes, relatively little risk of sudden expropriation, and relatively little corruption. Yet the Concertación systematically denounces the very policies responsible for that prosperity. As it left power in 1990, Chile's military government imposed a constitution loaded with checks and balances, mostly checks. These made it hard to change status quo policies, which tended to be friendly towards markets. To make an 18-year-long story short, the Concertación has finally managed to place its own people in the supreme court, the constitutional court, the comptroller general's office, the national security council, the Senate, and so forth. They are now in a position to implement their shared program of "reform."

So what is the agenda towards which they have been working so tirelessly for so many years? In brief: statism, weakened law enforcement, and corruption.

First, let's consider a few of the Concertación's statist policies. The minister of health recently issued a regulation requiring all pharmacies to provide "morning-after pills" on demand, conscientious objection on the part of the pharmacist notwithstanding. When several major pharmacy chains took exception, they were threatened with massive fines until they buckled. The only whisper of complaint inside the Concertación came from a few members of the Christian Democratic party, whose manifesto clearly supports life and unequivocally opposes abortion. However, confronted with the morning-after pill controversy, the Christian Democrats' congressional delegation were mostly docile, save for caviling by the speaker of the lower chamber of Congress.

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Then there is the burden of paperwork, which appears to be worsening. Businesses must endure the steady, hostile vigilance of government officials who seem to think of entrepreneurs as "bloodsuckers," to use the term of Socialist senator and presidential confidant Camilo Escalona. The government's education policy has also been hostile to market solutions. For example, an education reform bill contained a provision banning "for-profit" private schools. Was this based on evidence that the profit motive destroys academic achievement? No. Instead the government simply voiced its atavistic opposition to markets. When the opposition dug in its heels, and even some members of the government coalition balked, the provision was modified to allow for-profit schools—provided all the profits are reinvested in education!

Perhaps the epitome of the Concertación's love for the state is their disastrous reform of the public transportation system in Santiago. Until about a year ago Santiago was criss-crossed by medium sized yellow buses popularly referred to as *micros*. Driven with the aggressiveness one usually associates with the (much smaller) taxicabs of New York, and spewing exhaust through catalytic converters in very questionable condition, the *micros* nevertheless provided cheap reliable transportation to virtually every part of Santiago. Most of the buses belonged to their drivers, or to very small enterprises (drivers would use their small savings to buy additional buses). Perhaps because of a difficult work stoppage by the drivers a few years ago, the government designed an antipollution "reform" that replaced the *micros* with far fewer large buses.

The seemingly chaotic microbus routes that reflected consumer demand were replaced by fewer routes that reflected the desires of central planners. The *micros* were banished from Santiago in February 2007, and disaster ensued. Journeys that had taken 45 minutes turned into halfday ordeals; many buses failed to run on their arbitrary schedules; massive numbers of employees arrived hours late for work. A year later the same employees have "adapted": They now leave home hours earlier, or drive to work, more than replacing the traffic congestion that had been previously caused by the *micros*. The government's response? It blamed—the marketplace! Bits of the poorly planned new system had been subcontracted to private bus companies, some of which delivered buses late, or failed to run their routes.

Gradually public outcry has forced the government to buy additional buses and to extend existing routes. All of this has been very expensive. The new system has needed repeated budgetary infusions, now running on the order of $150 million every six months. When several legislators balked at the repeated demands for cash to pay for "improvements" in a system that used to get people to work on time while running a profit, they were threatened with expulsion from their parties. Bachelet has assumed "political responsibility" for the *fracaso*, meaning that few of the planners have been fired. The list of statist policies is lengthening, and the international business community has taken note. Chile's ratings on various measures of economic competitiveness have been steadily declining.

The second trait that seems to characterize the Concertación has been a general reluctance to side with law enforcers who are confronting increasingly well-armed urban terrorists. Last September, on the anniversary of the 1973 coup that brought down the government of Socialist president Salvador Allende, gangs of armed thugs roamed various neighborhoods of Santiago. One group wielding Molotov cocktails attacked a Catholic school that served a poor neighborhood. When the police showed up (carrying nightsticks and plastic shields), several of the villains broke out their guns and began shooting, killing one of the police, who by order of President Bachelet are not permitted to carry guns with live ammunition.

Shortly thereafter a group calling themselves "Lautaristas" were surprised by the police during a daytime robbery of a bank in the center of Santiago. The result: one policeman shot dead by the robbers as they fled the scene. The suspected shooter in the bank murder had been recently released from jail by a congressional amnesty for terrorists on the left. The government has sought to play down the connection of these and many other similar crimes with a resurgence of terrorist groups. The story goes on—police who act in self-defense are likely to face suspension. For example, on the same September day the policeman was shot defending the school, Socialist senator Alejandro Navarro joined street demonstrators and attacked a policeman, who had the audacity to hit back. The policeman has been suspended. Navarro continues to hold his seat in the Senate, where he openly receives campaign money from Hugo Chávez.

The third strand of policy being implemented by the Concertación has been characterized by left of center Senator Jorge Schaulsohn as a "culture of corruption." Schaulsohn was expelled from the socialist Party for Democracy for having made the remark, but it appears to be an accurate one. A description of the crescendo of scandals that have characterized the Concertación could fill a book. From shoddy public works projects (one recently built bridge collapsed almost before it was finished) to state funds sequestered to pay political campaign workers, to secret "salary supplements" paid to cabinet ministers with state funds, to fraud in school subsidies so massive that even the Concertación's own comptroller general had to object—massive corruption has become increasingly common in the Concertación's Chile.

Far from being the alternative left, the Concertación seems to be overwhelmed by nostalgia for the failed statist policies that have proved so disastrous on so many occasions in the past. Rather than showing the rest of Latin America the way towards the sunlit uplands of prosperity, the Chilean left seems determined to figure prominently in future editions of Mendoza et al's classic 2000 book, *The Guide to the Perfect Latin American Idiot*. ♦

Change You Cannot Believe In

Russia's new boss; same as the old boss.

BY REUBEN F. JOHNSON

The election of a new Russian president should not be mistaken for a democratic transition. Vladimir Putin's hand-picked successor, First Deputy Prime Minister Dmitri Medvedev, ran almost unopposed, and there was little doubt as to the outcome. But Medvedev will now be the beneficiary of the most energetic Moscow PR campaign since KGB thug Yuri Andropov was reinvented as a Scotch-sipping, jazz-fancying liberal a quarter of a century ago. The goal will be to portray Medvedev as likely to make significant changes from the policies of the Putin years.

During the almost pantomime election campaign, Medvedev minimized interviews, taking only a token number of questions, and these only from a hand-picked pool of journalists who are, you might say, "in the tank-ski." They write tub-thumping stories about how Russia's future will be better and brighter under the new president.

For his part, Medvedev's statements have been laced with ambiguous platitudes and flowery rhetoric that make him sound like the ultimate civil libertarian. "We're talking about freedom in all its forms—personal freedom, economic freedom and, in the end, the freedom of self-expression," he said in a campaign speech. "One of the key elements in our work in the next four years will be ensuring the independence of the legal system from the executive and legislative branches of power."

Dmitri Medvedev

THOMAS FLUHARTY

This may earn Medvedev a fawning assessment from U.K. banks (looking to fill their coffers with the squirreledaway gains of senior Kremlin officials) and the *Economist*, but former Yukos Oil chairman Mikhail Khodorkovsky, for one, is probably asking just what planet this freedom-spouting Russian president-elect has arrived from. The imprisoned Yukos boss sits rotting in a Siberian cell after a case in which it was clear to anyone not on the Kremlin payroll that the state controlled the judiciary's every move, dictated the verdict ahead of time, and engineered the rejection of his appeal in the fastest judicial decision in the history of Russia.

Independence of the legal system from the executive and legislative branches? This is like asking for a Moscow bureaucracy in which no one takes bribes and streets where drivers obey the traffic laws. To make a slight variation on the theme of Barack Obama's campaign, this is change that you cannot possibly believe in.

So the "Andropov is a closet liberal"-style charm offensive continues apace. "The university, with all its traditions, is his cradle," gushed Igor Bunin, the head of Moscow's Center for Political Technologies, in the *Washington Post*. Medvedev's "challenge is to lead Russia into the group of civilized countries. This idea is more important to Medvedev than the greatness of the country alone."

Other observers of Medvedev are a bit more objective. "After the campaign, I can say I know nothing about who he is," Georgy Bovt, the editor of Russia's *Profil* magazine was quoted in the *Post* as saying. "He is intelligent, well-bred, educated—that's all I can say. How is he going to manage the country? We don't know."

But the truth behind the selection of Medvedev by Putin and what to expect in the future can be heard from only a tiny handful of commentators. "Medvedev will be the glove on the hand of Putin's group," Dmitry Oreshkin, a Moscow-based political analyst, told the *Post*'s Peter Finn. "The parliament is

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loyal to Putin. The security services are loyal to Putin. The mass media is Putin's. Any independent step by Medvedev will be considered a declaration of war on the current elite, and they will strike back."

Underlying this institutional control by the *siloviki*—the cabal of intelligence, military, and law enforcement officials who are in charge of the Kremlin—are two aspects of Russian power that have not changed since the Soviet era, or since the czars for that matter. One is that the struggle to succeed the man in charge does not begin when he steps aside (as Boris Yeltsin did at the tail end of 1999) or dies (which was usually the case in Soviet times). The top dogs are constantly jockeying for position, building their alliances and determining how to position themselves to take over long before an actual resignation, death, or election. Once the new man has taken over, his adversaries continue trying to block his moves, frustrate his initiatives, and otherwise keep him from taking actions not in their interests.

The other tendency is the one that perhaps best explains why Putin went outside of the inner circle of the *siloviki* and picked Medvedev, a St. Petersburg lawyer with no known ties to the intelligence services. Sergei Ivanov, a long-term KGB colleague of Putin's, had been seen as the favorite to succeed Putin for some time. He and others of the *siloviki* are not pleased with Medvedev's appointment. But this suits Putin just fine. By turning his back on his own and elevating Medvedev, he encourages strife and internecine warfare. Both sides will then ask him to intercede. Like any good dictator, he realizes that his unique power to broker settlements will keep him pulling strings in the background.

Besides, the soon-to-be-former president has telegraphed his intentions with his statement about what his role will be when Medvedev appoints him prime minister—a position with no term limitations. "The cabinet, headed by the prime minister, is the highest executive authority in the country," Putin stated, which makes it clear that he will still be the man in charge no matter who occupies the president's office. As all government offices in Russia have a photo of the president hanging on the wall, this prompted the half-joke/half-query in Moscow: "Will Putin have a portrait of Medvedev on the wall in his office?" The question was put to Putin at a press conference, who called it trivial but said, no, he wouldn't.

Whether Medvedev really is a closet liberal or closet civil libertarian does not appear to matter. His own plans for changing Russia, if they exist, are more than likely to remain in the closet as well. ♦

Schoolyard Brawl

Apostasy in education reform circles.

BY DANIEL CASSE

Go to Barack Obama's campaign website, click on the education link, and there you will read many ideas like this: "Obama's plan will expand mentoring programs that pair experienced teachers with new recruits. He will also provide incentives to give teachers paid common planning time so they can collaborate to share best practices." On Hillary Clinton's website, you will see she wants to create "Green Schools in order to reduce energy costs and eliminate environmental hazards that can hinder children's development."

Is there another policy area where jargon, claptrap, and political correctness have such free rein as education? Perhaps that is why it is both astonishing and refreshing to find in the pages of the most recent *City Journal* a vibrant and bracing exchange about the future of the school reform movement. It is a must-read for anyone who has any interest in the future of education policy.

What gives the *City Journal* debate an edge is that it begins with apostasy. Sol Stern is a long-time warrior for school choice and vouchers, having written a book on the subject and numerous well-researched and persuasive articles. Now, to the dismay of his erstwhile intellectual allies, he has changed his mind. His article "School Choice Isn't Enough" makes the case that after more than a decade of conservative and libertarian agitating, the school choice and voucher movements have been a colossal failure. He points out that today there are only three tiny voucher programs supported by public funds, one in Cleveland, one in Milwaukee, and another in Washington, D.C., while most other "parental choice" proposals have been resoundingly defeated in elections. In Utah—Utah!—a school choice proposal was defeated almost two-to-one.

But Stern's more devastating critique is that, where they have existed, school choice programs have failed to deliver the improvements promised by advocates:

> Fifteen years into the most expansive school choice program tried in any urban school district in the country, Milwaukee's public schools still suffer from low achievement and miserable graduation rates, with test scores flattening in recent years. Violence and disorder throughout the system seem as serious as ever. Most voucher students are still benefiting, true; but no "Milwaukee miracle," no transformation of the public schools, has taken place.

Stern's reluctant discovery that school choice is not working came as he listened more closely to educa-

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tion scholars Diane Ravitch and E.D. Hirsch Jr., two of the most influential writers about education reform who have long battled the education professionals and the graduate Ed School establishment. Although Ravitch and Hirsch have been allies of the conservative education reform movement, they have never been cheerleaders for school choice in particular. Instead they are "instructionists," believing that the curriculum and the way it is taught are far more consequential to improving failed schools.

Stern is now convinced that they are right and that the "incentivists"—those who believe that bringing market structure and competition to school systems—are wrong. He points to recent success in Massachusetts, where there is no school choice, few charter schools, and very little in the way of competition to improve teaching. Yet under the strong leadership of smart, content-focused reformers who make the liberal education establishment bristle, Massachusetts instituted a more rigorous curriculum, a focus on phonics and early reading, and real tests for its teachers. Over the last 15 years, school performance has improved far more than in most other states. In 2007, Massachusetts placed first in the nation in the fourth and eighth grade National Assessment of Educational Progress (NAEP) reading and math tests, universally regarded as the best measure of student performance.

Stern admonishes his friends in the school reform movement who have ignored the Massachusetts story but applauded the "competition" agenda embraced by New York mayor Michael Bloomberg and Schools Chancellor Joel Klein, which is full of cash incentives for principals and teachers who improve students' test scores. "One wonders why so many in the school reform movement and in the business community celebrate New York City's recent record on education," writes Stern. "Is it merely because they hear the words 'choice,' 'markets,' and 'competition' and think that all is well? If so, they're mistaken."

The critical responses to Stern that *City Journal* has collected are, individually, less interesting and less persuasive. The true believers in school choice—Andrew J. Coulson and Neal McCluskey of the Cato Institute, and Robert Enlow of the Friedman Foundation for Educational Choice—give a doctrinaire defense of markets over government, undisturbed by evidence that voters (most of whom don't have school-age children) aren't swayed by these arguments. But a few of the respondents do poke some holes in the reasoning Stern gives for his conversion.

Thomas Carroll, an education reformer, argues that market-oriented school reform means much more than vouchers. He points to the spread of incentive pay for teachers and, of course, charter schools, which in places like Houston now command 20 percent of the market. Jay Greene of the Manhattan Institute warns that whatever salutary changes have occurred in Massachusetts can be quickly dismantled by a political administration in the grip of the faddish education school mafia. And in fact, under Governor Deval Patrick, this is already happening. Stern notes only in passing that the state's assistant education commissioner whom he praises has already left town for an academic job.

But the real shortcoming in Stern's argument is that, while he criticizes the political failures of school choice, he doesn't offer an alternative political program for bringing about the changes he wants in a broad and sustainable way. Massachusetts, for all we know, was just the beneficiary of a fortuitous set of circumstances that won't soon be replicated anywhere else.

If the school-choice movement has failed, what's needed is a new political strategy to advance a different kind of education system, one that would embrace (or at least accede to) the rigorous content that experts like Diane Ravitch advocate. The school choice movement correctly recognized that the quasi-monopoly powers that school boards and teachers' unions exercise over public education is an anachronism in a society increasingly built around consumer power. Their mistake, however, was in thinking that you could be agnostic on what these schools ought to be teaching.

You can't be indifferent to the curriculum, E.D. Hirsch argues in his response to Stern. Without making content an explicit part of your education agenda, you abdicate to some third party—bureaucrats, textbook writers, political activists—control over what is actually taught every day. That's not only what parents really care about, it is the thing that matters most to educational achievement. "Grade-by-grade core substance of the curriculum is what schooling *is*," Hirsch writes.

Hirsch has been nobly making these arguments for a long time (his *Cultural Literacy* was a bestseller in the summer of 1987), but they have largely been ignored by unions, school boards, schools of education, and the professional teaching organizations.

That's why the next political agenda for school reform, if it ever emerges, will be one that figures out how to redefine the notion of the public school so that traditional school authorities lose their grip on local school systems. This might mean a thorough-going charterization program in which every school effectively becomes an "independent" school competing for teachers, funding, and students. But to make this a compelling proposition, conservative reformers will have to make a case based on the content of the curriculum. Invariably that means some form of national or state curriculum, along with the sort of national testing that has begun under No Child Left Behind.

In other words, school reform will have to be about not just the way we think public schools ought to be organized, but also what we want them to teach in the classroom at every grade level. Neither the incentivist nor the instructionist side of the debate has been willing to take on both sides of the argument. But Sol Stern's second thoughts suggest that a successful political movement for better American schools will have to do just that. ♦

The Swedish Solution

A Social Security reform made in Scandinavia?

BY JAMES C. CAPRETTA

Where to turn next on Social Security reform? The presumptive Republican nominee for president, John McCain, like President Bush, supports introducing fully funded personal accounts within the program. Still, the odds are against a push for such accounts anytime soon. Too many Republican politicians believe, rightly or wrongly, that the president's 2005 effort hurt them in 2006.

But even if Bush-style personal accounts are beyond reach, Social Security reform remains necessary. The Social Security Administration expects the U.S. population age 65 and older to increase by more than 40 percent between 2006 and 2020. Projections show Social Security's costs will begin to exceed revenue in 2017, with the gap widening rapidly thereafter. Pressure is building for a sizable increase in payroll taxes.

But if not fully funded personal accounts, then what? Surprisingly, the answer might be found in Europe. With populations aging more rapidly and financial problems even more pressing than in the United States, several European governments have moved aggressively over the past decade to implement conservative-leaning pension reforms. Sweden's innovative social security plan is a notable example.

For decades, Sweden maintained a conventional, pay-as-you-go, defined-benefit public pension, not unlike Social Security. By the late 1980s, it was apparent that rapid population aging would force tax hikes to an extent that even Swedish voters would find unacceptable. Pushed to act by a faltering economy, Sweden's leading political parties joined together in the 1990s to pass and implement a sweeping overhaul. Benefit payments under the new system began in 2001.

The Swedish reform introduced a new concept—"notional defined contribution" accounts, assigned to every worker participating in the public pension system. These notional accounts look like 401(k)s. They track worker "contributions," assign "investment earnings," and report "account balances"—except there are no financial resources in them. They're tracking devices. Pensions are still financed on a pay-as-you-go basis, with payroll taxes collected today to cover monthly benefits for current retirees.

What's different is the pension calculation at retirement. New Swedish retirees get a pension based on the balance in their own notional account, which is converted into a monthly benefit much as the balance in a 401(k) could be used to purchase an annuity. The retirement benefit is set at the amount that would, when drawn monthly, deplete the worker's "account" over his or her expected remaining life span.

The Swedish reform is permanently solvent thanks to provisions which automatically adjust payouts to stay within available revenue. The accounts are set by default to grow at the same rate as wages, but the rate of growth can be reduced if key demographic variables make such a return unaffordable. For instance, if low fertility were to mean a smaller than expected workforce, the rate of return would be cut automatically to a level consistent with the smaller base of working participants. Similarly, if Swedes live longer than currently expected, the annuity calculation will cut monthly payouts to ensure notional account balances are not overdrawn.

The Swedish reform should improve work incentives too. The only way younger Swedes can boost their pension entitlement is by earning higher wages and thus "contributing" more to their notional accounts. For those nearing retirement, the automatic reductions in monthly benefits for an early workforce exit should encourage more to delay their retirement.

Swedish social security is still too expensive, requiring a 16 percent payroll tax rate (not including a 2.5 percent tax for mandatory retirement savings or the cost of additional support for low-income elderly). The U.S. Social Security payroll tax rate is 12.4 percent, but the program has a $14 trillion unfunded liability. The Swedes face no such shortfall. Long-term projections confirm Swedish pension obligations can be met indefinitely without a tax increase, even with population aging.

Switching to notional accounts would make a later switch to fully funded accounts simpler. Once up and running, workers would begin to wonder why they can't invest their contributions themselves and have a chance at better returns than the government provides.

President Bush fell short on Social Security in part because it is difficult to move away from a pay-as-you-go system. Sweden's reform, since copied by several other governments in Europe, demonstrates that it is possible to secure some of the benefits of personalization within a pay-as-you-go framework. Such a reform would be a significant improvement over the existing U.S. system, most especially because it would make a damaging payroll tax increase unnecessary. ♦

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The Politics of a Failed Presidency

How John McCain and the Republican party should deal with the Bush record

By Jeffrey Bell

The failure of the Bush presidency is the dominant fact of American politics today. It has driven every facet of Democratic political strategy since early 2006, when Democrats settled on the campaign themes that brought them their takeover of the House and Senate in November 2006. Nothing—not even the success of the American troop surge in Iraq—has altered or will alter the centrality of George W. Bush and his failed presidency to Democratic planning in the remainder of 2008.

Until very recently, it was in the Republicans' interest to find ways of sidestepping or finessing this central political fact. Congressional Republicans sensed that open acknowledgment of the failure of the Bush presidency could cause a collapse in floor discipline, perhaps leading to a series of veto overrides and even forced surrender in Iraq. Candidates for the Republican presidential nomination had to deal with the fact that in our polarized politics, Republican primary voters are still predominantly pro-Bush. From the beginning of this cycle, GOP campaign strategists were aware that presidential candidates openly contemptuous of the Bush administration would go nowhere in the primaries (Ron Paul, Tom Tancredo) or prove to be nonstarters (Chuck Hagel).

John McCain's clinching of the Republican nomination changes many if not most of these GOP calculations. If Republicans are to accomplish the unusual feat of winning a third consecutive presidential election in the context of an unpopular administration of their own party, they will have to develop a narrative that takes into account the failed presidency in their midst while at the same time making a plausible case for a new Republican presidency and continued Republican strength in Congress. This in turn requires an understanding of Bush's failure that is not self-discrediting for Republicans.

Such a narrative is not the same thing as an assessment or forecast of the president's historical standing. As he himself has often said, it is much too early to guess how his actions will ultimately be judged. Bush policies of which today's voters have tired may look far better a few decades from now. Much depends on the presidents who follow—specifically, whether they see fit to reinvigorate his initiatives or close them down.

But at least for purposes of this year's election, the unfinished, unresolved character of so many of his initiatives *is* the failure that McCain will have to deal with. If the past seven years have been frustrating for millions on the left who from the start dissented from the president's worldview and the actions he took in support of it, they have been doubly frustrating for conservatives like me who voted for him twice without hesitation or regret, identified with most of his views and responses, yet watched as the train of events in the nation and the world turned most Americans against him and—the more acutely current problem—against his party.

What have the Bush years been about? To answer that question, it is helpful to review Bush's leadership in light of the presidency of Ronald Reagan, for, broadly and from the beginning, Bush's issue profile has been closer to that of Reagan than has the profile of any other Republican president or nominee in the six presidential elections starting with 1988. To me, Reaganism means traditionalism on social issues, supply-side tax rate cuts in economics, and an assertive foreign policy featuring American moral leadership on behalf of a more democratic world.

In each of these three policy areas, Bush developed distinctive approaches that, while consistent with those of Reagan, were more than derivative. They represented, at least arguably, further development of the Reagan core themes, adapted to the political scene 20 years removed from the world Ronald Reagan grappled with and successfully reshaped.

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At the White House, March 5, 2008

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I recognize that in concentrating on the Reaganesque aspect of Bush's policies, and touching lightly if at all on policy areas not illuminated by the Reagan-Bush comparison, I offer less than a comprehensive evaluation of the Bush presidency. Nor do I mean to imply that the areas left out are unimportant or unworthy of analysis—only that the Reagan-Bush comparison is of special value for understanding the political challenge faced by McCain and other Republican candidates this year. Among other things, the comparison applies over much of the turf that has led most voters to conclude that this is a failed presidency.

In 1999 and 2000, Bush and his political strategist Karl Rove sought to revitalize the alliance between Republicans and social conservatives that had greatly contributed to the Republican landslides of the 1980s but had been far from vibrant in 1992 and 1996. Beginning in the early stages of the 2000 cycle, Bush and Rove individually wooed a significant number of influential social conservatives and asked for their ideas.

Bush checked the boxes of the social conservative agenda as it existed at the time: appointment of judicial conservatives, a ban on partial-birth abortion, renewal of Reagan-initiated Mexico City rules against U.S. funding of abortions overseas, opposition to federally funded embryo-killing biomedical research, opposition to same-sex marriage. Bush, as candidate and president, kept his commitments on these issues but often appeared uncomfortable talking about them, as had his father.

Where Bush was both distinctive and at ease, in the 2000 race and afterward, was in talking about religious faith. This had a personal dimension, as when he identified Jesus Christ as his favorite philosopher in a late-1999 Iowa debate and credited a conversion experience with helping him give up drinking and strengthen his marriage. The policy component was the faith-based initiative, in which Bush argued, in his campaign and in a speech at Notre Dame University in the spring of 2001, that bring-

ing faith-based approaches to bear on intractable social pathologies could represent a "third wave" of modern welfare policy—the earlier waves being the building of the welfare state and the drive toward local and personal accountability embodied in the welfare reform enacted in 1996.

On economics, Bush bypassed the advocacy by many supply-siders in the 1990s of a consumption-based flat tax and pressed instead for moderate cuts in tax rates, generous expansion of the pro-family child tax credit, and (in such cases as the death tax and double taxation of corporate dividends) outright abolition of some federal taxes. In the first half of 2001 he fought hard for a much larger tax-cut package than was expected of a president who had recently lost the popular vote, and got much of it—though at the price of an overly long "phasing in" of the rate reductions, the sort of delay that supply-siders believe postpones a good deal of the economic advance the tax cuts are designed to achieve. When the issue was reopened in 2003, following unexpected GOP gains in the 2002 congressional elections, Bush demanded and won immediate effective dates for the income tax reductions and passage of a reform provision that reduced the personal side of the double taxation of dividends by nearly two-thirds, from 39.6 percent under Bill Clinton to 15 percent today. The stock market went into a bull move, and the economy began to accelerate from the sluggish 2001-03 recovery. However, the 2003 tax package made none of the first-term Bush tax cuts permanent, leaving some of the key ones with statutory expiration dates before the end of what would be the second Bush term.

Foreign policy played a minimal role in the 2000 election. Bush pleased conservatives with his willingness to abrogate the ABM treaty with the Soviet Union and begin deployment of an anti-missile system, and with his more skeptical take on U.S. relations with China. He kept within the bipartisan internationalist consensus by backing President Clinton's interventions against Serbian strongman Slobodan Milosevic in the former Yugoslavia. But on broader foreign-policy themes, Bush in 2000 sounded more like George H.W. Bush than Reagan, with his rejection of "nation-building" and praise of "humility" in foreign policy.

With the events of September 11, 2001, Bush and many other Americans came to the conclusion that American foreign policy had a lot to be humble about. He quickly concluded that the rise of a form of bold, organized, mass-murdering jihadism in the Arab and larger Islamic world had put the American homeland at risk to a degree unmatched even by World War II. And he came away from 9/11 with Reaganite assumptions about the role America needed to play in the world.

What are the core Reaganite assumptions about the modern world? Much of their spirit is captured by the title of the platform plank offered by Reagan delegates at the 1976 GOP convention: "Morality in Foreign Policy." This resolution was a direct rebuff to the Nixon-Ford-Kissinger school of "realism"—which has a bias toward preserving the global status quo, however oppressive and dictatorial this might be—and of détente with the Soviet Union. Kissinger, secretary of state at the time, pleaded with Ford campaign manager James Baker to declare war on the Reagan plank and was furious when Baker refused to do so. Baker, who as secretary of state would himself prove to be a realist in the Kissinger mode, knew that fighting "morality in foreign policy" might turn a narrow Ford convention edge into a Reagan nomination. The Reaganite plank passed by voice vote. While Ford preserved his hold on the nomination, the moralist phase of Republican foreign policy had begun.

As president, Reagan ordered a massive military buildup that he hoped and believed the Soviet Union could not match. He dropped the realist-Strangelovian doctrine of Mutual Assured Destruction (MAD) in favor of mobilizing American technology to shoot down Soviet missiles, and via the Reagan Doctrine of aid to anti-Communist insurgencies called a halt to the realist-backed policy of "containment"—which in practice had come to mean that the West was permitted to resist the Soviets in countries that had not yet become Communist, while leaving alone (in the interest of "stability") countries that had Communist or far-left rulers. Execution of the Reagan Doctrine, which was spearheaded by CIA director William Casey, inexorably led to the shipping of helicopter-killing Stinger missiles to anti-Communist Afghan rebels, which proved to be the military and psychological turning point of the 45-year-long Cold War. In 1988, Soviet leader Mikhail Gorbachev ordered a unilateral Soviet military withdrawal from Afghanistan, and the following year the Warsaw Pact collapsed.

Those moves by Reagan, successful and transformative as they turned out to be, were only the real-time consequences of a deeper moral commitment. Reagan believed the United States must play the role of a "shining city on a hill" to the rest of humanity. He took literally the most famous phrases of the Declaration of Independence. He believed that all men are created equal and that this entitles them to life, liberty, and the pursuit of happiness. And he echoed the Declaration in its reliance on "Nature and Nature's God" as the moral basis—as it happens, the only authority cited by the Founders—of our right to separate ourselves from Great Britain, and therefore of our national existence.

Believing these features of our founding to be "self-evi-

dent," Reagan felt, and frequently articulated, the moral imperative of spreading these core American truths to everyone on earth. After 9/11, George W. Bush swiftly adopted Reagan's moral imperative as his own. He frequently repeated his belief that democratic values are "not America's gift to the world, but God's gift to humanity." He built his entire second inaugural address on, and implied his second term would be about, this belief. Bush's 2000 allegiance to Reaganism on social issues and economics was thus joined after 9/11 by a Reaganite foreign policy.

This wartime conversion had immediate consequences, as Bush and his team sought to apply a more Reaganite approach to the specifics of the terrorist assault on America. First and most essential, the days of treating Islamic terrorism as criminal activity, to be solved mainly by the efforts of policemen, prosecutors, judges, and juries, were over. The president served notice that foreign governments providing safe haven for terrorist enemies of the United States would be treated as if those governments were mounting terrorist operations themselves, as enemies of the United States in a global war. And he announced that rogue states would not be allowed to acquire weapons of mass destruction.

U.S. troops near Mazar-i-Sharif, Afghanistan, November 2001

After 9/11, Bush proclaimed that the United States would preempt terrorist or rogue-state threats and would promote democratic reform around the world, especially in Arab and Islamic cultures.

To achieve these war aims, Bush proclaimed two new doctrines. The new military doctrine, a marked departure from the Cold War doctrine of deterrence, was that of preemption: We would no longer wait for a military mobilization or attack before striking against a growing terrorist or rogue-state threat. Preemption would involve a series of diplomatic, economic, and military options up to and including invasion, occupation, and regime change.

The new geopolitical doctrine was the promotion of democratic reform not as part of a wish list but as a central U.S. policy goal around the world, with particular focus on the Arab and Islamic cultures. Without fundamental reform in the Islamic world, Bush argued, eliminating one set of terrorists would achieve only a respite before the next wave of terrorism.

In little more than three months, Bush had successfully carried out the logical first step of his new policy, the ouster of the al Qaeda-backed Taliban regime in Afghanistan, to nearly universal bipartisan applause. His January 2002 State of the Union speech singled out an "axis of evil"—Iraq, Iran, and North Korea—as the most dangerous of the world's surviving rogue states. It was widely agreed that Bush had clearly spelled out his response to 9/11, with coherent military and geopolitical dimensions, to deal with the protracted world war he believed us to be in. You could disagree with the strategy, or even reject the idea that what was happening amounted to a world war, and more than a few people did. But no one could deny that a clear strategy had been laid out.

Through mid-2003, Bush's tripartite conservative presidency—social issues, economics, and foreign policy—appeared well on the way to a measure of political success. In the 2002 elections, Republicans gained seats in the House, Senate (regaining narrow control), and even state legislatures. The gains were not huge, but it was the first time a newly elected second-year president had achieved such across-the-board gains for his party since Franklin Roosevelt in 1934. It was widely agreed that congressional Democrats had mishandled the closing days of the election by blocking legislation to create a Department of Homeland Security over the issue of whether newly hired airport inspectors were to be unionized. This came across to many voters as petty politicization of an issue relating to the safety of Americans little

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more than a year after murderous attacks on American soil. Democrats quickly capitulated on the issue after the election, and Bush's first-term mastery over Congress continued with passage of his ambitious tax cut/tax reform package in mid-2003. On the war front, Secretary of Defense Donald Rumsfeld joined the president as a conservative hero for his bold, low-casualty drive to Baghdad and surprisingly rapid overthrow of the long-ruling Baathist dictatorship of Saddam Hussein.

Everyone remembers how the wheels began to come off the Bush juggernaut in the second half of 2003. The administration severely underestimated the post-Saddam Iraq insurgency, and the failure to discover weapons of mass destruction was sealed early in 2004 by chief U.S. weapons inspector David Kay's announcement that, much to his surprise, the weapons were nowhere to be found. These developments coincided with a shift in the president's standing from solid favorite for reelection to no more than a 50-50 proposition against Democratic frontrunner John Kerry. But before analyzing the challenges and setbacks to Bush's standing as a war leader, I want to take a look at what happened to the administration on the other two issue clusters, social issues and economics.

Of the three areas, it is social issues on which the administration has perhaps its greatest claim to overall success. The nomination and confirmation of John Roberts and Samuel Alito to the U.S. Supreme Court in 2005 accomplished what Richard Nixon, Ronald Reagan, and George H.W. Bush all tried and failed to do: move the Supreme Court toward judicial restraint on social issues. Social conservatives can see at most four solid votes for judicial restraint on the Court, but these justices are considerably younger than their liberal counterparts, and the judicial conservatives occasionally win a fifth vote from Anthony Kennedy, who, though usually liberal-leaning on social issues, provided a fifth vote to uphold the Bush-backed federal ban on partial-birth abortion.

Social conservatives are also satisfied with the president's resistance to the clamor for federal funding of embryo-destructive biomedical research. He gave his first nationally televised policy speech and cast his only first-term veto on this issue in August 2001. Since then, breakthroughs in the field of pluripotent nonembryonic stem cell research are looking increasingly like a vindication of Bush's position.

By far the most explosive social issue of the Bush years has been the nationwide drive by social liberals for recognition of same-sex marriage. At a time when the no-exceptions pro-abortion advocacy of many non-southern Democrats has become far less confident and vocal, social liberals have successfully brought most of American elite opinion behind a redefinition of marriage law to include same-sex couples, either in marriage or in its legal near-equivalent, domestic partnership or civil union. It would be hard to find more than a very few editorial pages in the country that argue the institution of marriage should remain exactly as it is in most states today.

The acceptance of the idea of gay marriage among elites most certainly includes the legal profession. This became clear in 2003, when a 6-3 majority of the U.S. Supreme Court in *Lawrence* v. *Texas* overturned state anti-sodomy laws as unconstitutional and when later that year, in *Goodridge* v. *Dept. of Public Health*, a 4-3 majority of the Supreme Judicial Court of Massachusetts ruled that the two-century-old state constitution mandated marriage equality for gay partners. The court then ordered the Massachusetts legislature to pass a same-sex marriage law, which it did. The state court cited *Lawrence*—just five months old at the time—as a key precedent.

As has frequently been true of social issues since the 1960s, the devotion of elite opinion to same-sex marriage was not shared by American popular opinion, even in states regarded as socially liberal. Within one year of *Goodridge*, voters in 12 states passed referenda adding a two-sex definition of marriage to their state constitutions, foreclosing the possibility of a Massachusetts-style judicial ruling in these states. The voters' preference for traditional marriage was overwhelming, ranging from the high 50s in socially liberal Oregon to the high 70s in southern states like Louisiana.

But social conservative leaders recognized that if the courts continued on their 2003 trajectory, all the referenda in the world would not stop judges from overturning the will of Congress as defined in the Defense of Marriage Act (DOMA) of 1996: Judges could mandate national recognition of same-sex marriages (solemnized in Massachusetts or gay-marriage states yet to come) on the grounds of the Constitution's full faith and credit provision requiring states to recognize each other's laws. To forestall this widely anticipated move by judicial elites, a Federal Marriage Amendment to the Constitution would have to be passed, or at least come into play as an active option for opponents of same-sex marriage. For this to happen, at a minimum President Bush would need to endorse the Federal Marriage Amendment and make it a Republican position in Congress.

In February 2004, a reluctant Bush did so, and later that year votes were held in the House and Senate. The amendment was backed 227-186 in the House, a solid majority but far short of the two-thirds needed to send a constitutional amendment to the states for ratification. Opponents of the amendment in the more liberal Senate

resorted to a filibuster, producing 50 votes in opposition to ending debate to 48 for bringing the amendment to a vote. But a secondary goal of social conservatives was achieved when most House and Senate Republicans voted for the amendment and most Democrats voted against it. These developments ensured it would become a live issue in the presidential battle between George W. Bush and John Kerry because Kerry, while a lukewarm opponent of same-sex marriage, had voted against DOMA in 1996 and opposed the Federal Marriage Amendment in 2004.

In the third and final presidential debate on October 13, 2004, Bush effectively drove home his support for the amendment as necessary to preserving the institution of marriage as between a man and a woman, but also as necessary to preserving popular rule: "I'm deeply concerned that judges are making those decisions and not the citizenry of the United States. You know, Congress passed a law called DOMA, the Defense of Marriage Act. My opponent was against it. It basically protected states from the action of one state to another. It also defined marriage as between a man and a woman. But I'm concerned that will get overturned. And if it gets overturned, then we'll end up with marriage being defined by the courts, and I don't think that's in our nation's interest."

It was at this moment that Kerry, looking more than a little irked, had his most memorable, and by most accounts his worst, moment in any of the debates. He told moderator Bob Schieffer, "We're all God's children, Bob. And I think if you were to talk to Dick Cheney's daughter, who is a lesbian, she would tell you that she's being who she was, she's being who she was born as."

In the National Election Pool exit poll on Election Day that November, a surprising 22 percent of all voters picked "Moral Values" as the factor in the campaign that influenced them the most. Among these voters, Bush overwhelmed Kerry 80 percent to 18 percent. Bush's huge lead among these "values voters" more than made up for a deficit vis-à-vis Kerry on all other issues combined, enabling Bush to defeat Kerry in the national popular vote by 50.7 to 48.3 percent.

Yet on one level, Kerry's gibe at Mary Cheney, the vice president's younger daughter who is in a long-term same-sex relationship, was a shrewd, well-aimed thrust at the discomfort Bush felt with the marriage issue as a whole. As soon as the election was over, Bush announced he would no longer actively pursue the Federal Marriage Amendment, because the needed two-thirds congressional majority would not be achievable until and unless the Supreme Court overturned DOMA.

This left a sour taste in the mouths of social conservatives. Bush's reelection had for the moment brought a pause in the headlong federal and state judicial drive toward same-sex marriage, but his decision to largely drop the issue in his second term was close to an engraved invitation to social liberals to keep the pressure on at the state and local level, which they proceeded to do. Although in political terms Bush clearly won the 2004 marriage debate against Kerry, his subsequent willingness to retire the issue meant there were no decisive consequences for the losing side.

The wheels began to come off the Bush juggernaut in the second half of 2003. The administration severely underestimated the post-Saddam insurgency in Iraq, and weapons of mass destruction were nowhere to be found.

Above, a staff member stands before the ruins of the U.N. headquarters in Baghdad, August 2003.

AFP PHOTO / ROBERT SULLIVAN

An even more inconclusive result marked the president's pursuit of his signature social issue, the faith-based initiative. After a turbulent and at times partisan debate, ambitious legislation facilitating

greater participation by local faith-based groups in federal social programs won solid passage in the House in mid-2001. But by the time the debate moved to the Senate, Democrats had persuaded a just-reelected liberal Republican from Vermont, James Jeffords, to leave the Republican party and caucus with the Democrats. As a result, liberal Democrat Tom Daschle had replaced conservative Republican Trent Lott as majority leader, and Democrats had control of the Senate calendar for the first time in seven years.

Even had Jeffords not defected, however, only a much less sweeping version of the faith-based legislation would have stood a good chance of passage in the Senate, where social liberals had far greater strength than in the House. Administration officials and Senate Republicans showed considerable flexibility and came to agreement on a less sweeping bill, the CARE Act. Majority Leader Daschle endorsed the legislation and committed in writing to bringing it to the Senate floor for an up-or-down vote.

The legislation, which had a number of innovative tax incentives to increase charitable giving to locally based faith-based ministries, cleared the Senate Finance Committee in 2002 with only one dissenting vote. But it didn't come to a floor vote that year. Time after time, it failed to receive the unanimous consent needed to allow it to go to the floor in the course of normal business, and Daschle, though still a nominal supporter of the bill, effectively broke his written commitment to overcome the procedural barriers and hold a vote.

Why? Quite late in the process, Senate Democrats with close ties to the gay-rights movement demanded repeal of the Ministerial Exemption as a condition for allowing the CARE Act to come to a vote. The Ministerial Exemption is a narrow exception written into the Civil Rights Act of 1964 that protects churches and other faith-based organizations from being forced to hire opponents of their beliefs under the rubric of civil rights. One of its implications is to allow traditional-minded faith-centered groups to refrain from hiring workers living an openly gay lifestyle.

Until the rise of the gay-rights movement a decade or so ago, the Ministerial Exemption was never terribly controversial. It had survived a number of challenges in the courts, and the landmark welfare reform signed into law by President Clinton in 1996 had reaffirmed it with little or no opposition. Repealing such a widely backed religious-freedom provision in the name of nondiscrimination against gays was a complete nonstarter in the Senate of 2002, much less the House, as both Daschle and the recalcitrant Democrats with whom he was dealing undoubtedly knew. So the legislative embodiment of Bush's faith-based initiative, though passed by the House and virtually without open opposition in its Senate version, died in the first Congress of the Bush years without ever coming to a Senate vote.

President Bush publicly excoriated Daschle for breaking his commitment to permit a floor vote, but he never said a word about the gay-rights forces' assault on the Ministerial Exemption. Rather than defend a role for locally based, urban ministries (almost all of which, most definitely including inner-city black ministries, are traditional in morals) and forthrightly respond to the accusation of gay-bashing, the administration all but decided to stop fighting for its own legislation.

Republican senators tried to revive the CARE Act in four subsequent sessions of Congress, from 2003 to 2006, but it never reached the Senate floor, always for the same reason—even after Republicans regained their majority in 2002, then ousted Daschle from his South Dakota seat in 2004 and attained a 55-seat majority in the Senate of 2005 and 2006. According to GOP senators trying to revive the bill, the Bush administration never seriously joined the effort.

The president has continued to emphasize the importance of involving faith-based groups in tackling social problems and has lauded administrative actions in the executive branch that facilitated greater faith-based participation. But the vision of a faith-based "third wave" of social welfare policy elaborated in the president's Notre Dame speech of 2001 is all but forgotten in the Bush administration of 2008.

In domestic policy as a whole, conservatives have felt frustrated by the administration's reluctance to make spending control a priority, particularly in Bush's first term. But many similar complaints were heard 20 years earlier about Reagan, whose record on reducing or controlling the size of government by means of domestic spending cuts was mixed at best.

Both presidents faced the same challenging context: the need to increase defense spending rapidly and restrain domestic spending at the same time. After Reagan's 1981 honeymoon year, when he got a measure of each, tensions between the two goals became acute. Reagan's forward global strategy dictated giving preference to the military buildup, which eventually would break the will of the Soviet Union to continue the arms race and thus help end the Cold War. Facing a Democratic House throughout his tenure, Reagan needed Democratic swing votes to sustain his military spending surge. As a result, he and his team had to give way more than they liked to Democratic spending demands on the domestic side.

Reagan broke from all previous hawks and war leaders—Lincoln, Wilson, and FDR in this country and

virtually every democratic war leader abroad—in refusing to finance his increased military spending with stiff tax increases. Taking over the presidency from the hapless Jimmy Carter, Reagan inherited an economic as well as a foreign-policy crisis, and he decided he had no choice but to address both at once. He allowed the Federal Reserve under Paul Volcker to sharply raise interest rates to break the back of inflation, while he cut the top rate on income taxes from 70 percent to 28 percent, reviving the economy from the stagflation of the 1970s and successfully sustaining his defense buildup.

As in much else, Bush after 9/11 deserves credit for attempting to emulate Reagan's double achievement rather than reverting to earlier, high-tax Democratic models. Bush had the advantage of a tax-cutting Republican House for his first six years. But that same House had been badly burned by Bill Clinton in the spending showdown of 1995-96, and had developed its own domestic spending habits as a kind of compensatory adjustment.

Moreover, Bush unlike Reagan had to deal with the most effective military attack on the American mainland since the War of 1812 and the sudden, sharp economic contraction that accompanied it. His 2001 tax cut, though designed in peacetime, proved a well-timed stimulant that helped keep that year's recession brief. The bold 2003 tax cut, with its immediate effective dates and the stunning breakthrough on ending most of the double taxation of dividends, left Reaganite supply-siders powerfully impressed.

Because it was wartime, the politics of all this tended to follow Bush's ups and downs as war leader. In 2002, with the economy sluggish and the war on terror going well, Bush's economic rating in the polls was high. In 2004, when Bush was looking less impressive as a war leader but the economy was strong, his economic rating was actually lower.

But to supply-siders, the policy substance was superb. In the 2004 campaign, Bush argued that his tax cuts needed to be made permanent, while John Kerry made clear he would let a large portion of them expire, partly in pursuit of "fairness" but also to gain new revenue for his domestic spending plans.

So coming out of his reelection, the clearest forward-looking mandate Bush had on the economy—the action item where he most starkly differed from Kerry—was the pledge to make his 2001 and 2003 tax cuts permanent. It would have been virtually impossible for a new Congress with 55 Republicans in the Senate and 232 Republicans in the House to deny such a request.

Instead, Bush decided not to make the permanence of his tax cuts a legislative priority. Nominally, he asked Congress for this. In reality, he put his emphasis on a newly unveiled proposal to reform Social Security by means of personal retirement accounts combined with "means testing"—severely cutting benefits for future retirees among the top half of wage earners.

It was a roll of the dice, and it came up snake eyes. Bush campaigned for Social Security reform for six solid months in 2005, yet his plan never even came to a vote in so much as a subcommittee of either house of Congress. After a first term in which a less Republican Congress repeatedly gave him much of what he demanded, it was a failure so complete that it invited comparison with Hillary Clinton's health care reform catastrophe of 1994.

Moreover, with Bush's performance rating having declined sharply in the first half of 2005, the window for asking that the tax cuts be made permanent had slammed

A protester in Seattle, June 2005

From Social Security reform and faith-based initiatives to making tax cuts permanent, Bush's domestic-policy record can be reduced to a pattern of excellent initial judgment, strong will, fair to decent early execution, culminating in distraction and an ultimate failure to finish.

PHOTO BY DAREN FENTIMAN / ZUMA PRESS

shut as thoroughly as the chances for Social Security reform. Bush and congressional Republicans had to settle for extending those tax cuts scheduled to expire in his second term to the most distant expiration date, December 31, 2010.

In 2006, that may have seemed a long time away. It doesn't today. Even if John McCain keeps the White House in Republican hands, neither house of Congress seems likely to swing back to the GOP. And it is the Congress elected this November that will determine the future of the Bush tax cuts.

The markets are well aware of this. From a supply-side perspective, it is no surprise that the dollar is weak and equity markets both volatile and bearish. The top tax rate on estates, under current law, is scheduled to go from zero to 55 percent on January 1, 2011. The personal tax rate on dividends, now 15 percent, is slated to shoot back up to 39.6 percent, capital gains from 15 percent back to 20 percent, the top rate on personal income from 35 percent today back up to 39.6 percent. And Democrats, both presidential and congressional, count most or all of these reversions as relatively limited tax increases on "the rich."

The final nail in the coffin of the Bush supply-side program came in January, when the president outlined to Congress his conditions for a stimulus package. One of them was that any new tax cuts be "temporary." In saying this, Bush was telling the markets that his efforts to make his own tax cuts permanent had come to an unspoken but effective end. And there was another message: A Bush economic program that as recently as 2004 looked like an impressive application of successful Reaganite tax policy to a new but analogous era has now been retrofitted to a completely pre-Reagan, Keynesian, demand-side framework.

None of this is meant to say that Bush himself is ending as a Keynesian. His personal supply-side beliefs seem more or less intact. What does seem clear is that defective policy judgments and bad political decisions, particularly in the immediate aftermath of his reelection, show every sign of undoing one of the president's more impressive policy achievements. Once again, the pattern is excellent initial judgment, strong will, fair to decent early execution, culminating in distraction and in an ultimate failure to finish.

For more than six and a half of his seven-plus years in office, President Bush has been a wartime president, and it is in the context of a war presidency that historians will ultimately judge him. Voters in this greatest of democracies do not have the luxury of waiting till all the files have been opened and all the memoirs read. For them the conduct of war is, potentially or actually, a matter of life and death. They must decide in the present, and vote accordingly.

Their verdict on the president has been sequential. For the first two years of the war, they saw Bush as an effective war president. For the next two, they were ambivalent, which is the main reason the president won reelection so narrowly. For the last two and a half, since mid-2005, they have been negative. Perhaps surprisingly, today, halfway through his seventh wartime year—a year that overlaps with General David Petraeus's stunning turnaround of a near-terminal Iraq campaign—voters show no sign of raising the failing grade they have been giving Bush. Why this is so is the single most important thing for John McCain and his advisers, and indeed for Republican House and Senate candidates all over the country, to try to understand.

American voters have been polled about General Petraeus. Most of them know exactly who he is. A very strong majority have a favorable opinion of him. When they are asked whether they agree or disagree with General Petraeus's recommendations as to the timing of American redeployments from Iraq, a strong majority are in agreement. It seems safe to say that should changed conditions in Iraq cause General Petraeus to alter his recommendations as to the timing of U.S. redeployments, most voters would alter theirs accordingly. American voters, in other words, are not stupid. And, all else being equal, they would prefer not to lose this or any other war.

To most American voters, then, Petraeus is an 800-pound gorilla. These include supporters of McCain, but also of Barack Obama and Hillary Clinton. And they include many voters who disapprove as much as ever of President Bush, the man who had the courage and good sense to send Petraeus to Iraq after firing or kicking upstairs the people who had his responsibilities before him.

Why? That is, why hasn't sending the right man to Iraq redounded to Bush's benefit in public opinion?

One thing that hasn't changed much in the last year is people's view of whether going into Iraq was worthwhile in the first place. In March 2003, when we and our allies invaded Iraq, most voters thought it was the right thing to do. Now most of them don't. The success of Petraeus and his troops in defeating the local branch of al Qaeda and turning around the war makes them think highly of him, and has done wonders for the presidential prospects of John McCain, but doesn't significantly change their disapproval of the invasion itself, or make them think any more highly of Bush as a wartime commander in chief.

One can posit all sorts of reasons why and at what stage voters lost their regard for Bush as a war leader, and

one could very likely find polling evidence for many if not all of those plausible reasons and retrospectively embarrassing moments. Bush in his flight jacket underneath the sign reading "Mission Accomplished." David Kay announcing that no weapons of mass destruction could be found. Bush saying of terrorists filtering into Iraq, "Bring 'em on." Secretary Rumsfeld saying of widespread post-invasion looting, "Stuff happens." Vice President Cheney saying some time ago that the insurgency was in its "last throes." The back-and-forth indecision in 2004 over whether to let the Marines clean out Falluja. Take your pick, and likely as not you have some evidence on your side.

A somewhat bigger turning point, it seems to me, was the fall 2003 appointment of Patrick Fitzgerald as a special prosecutor to investigate the public disclosure of Valerie Plame Wilson's identity as an employee of the Central Intelligence Agency. Looking back on it, several elements of this episode appear truly absurd, indeed almost comical: the indictment and conviction of Vice President Cheney's chief of staff, Scooter Libby, for perjury and obstruction of justice, even though the prosecutor had concluded there was no underlying crime; the fact that the prosecutor seemingly pursued only people who were hawkish on Iraq and never people who were dovish on Iraq; the fact that from the beginning, even before Fitzgerald's appointment, all of the key players knew that the deputy secretary of state, Richard Armitage, was the original source of the leak to columnist Robert Novak, rather than anyone in the White House. If nothing else, the criminal investigation cursed and complicated several years of the life of Karl Rove, the president's most gifted and most combative political adviser, who it turned out had nothing to do with disclosing the identity of Valerie Plame Wilson.

In part because the Plame affair succeeded in criminalizing or semi-criminalizing effective defenders of the Iraq invasion, in part because the weapons of mass destruction were missing—perhaps even in part because the partisan polarization that predated 9/11 was never destined to go away for long—the administration lost its voice. This affected not so much voters' support for Bush's handling of Iraq—that would have plummeted during the Iraq bungling of 2004-06 no matter what the administration had said about it—as the president's ability to persuade the country that U.S. involvement in Iraq is a difficult but indispensable part of battling jihadism worldwide.

Antiwar march in Washington, May 2007

The president hasn't been able to get much benefit in public opinion from the turnaround achieved by his appointment of General Petraeus, because critics managed to isolate Iraq as an issue—making it into a giant, stand-alone Bush blunder.

The loss of voice that began to be apparent in the second half of 2003 opened a wide avenue for a liberal Democratic storyline, which quickly dovetailed with the realist storyline of Republican critics such as Brent Scowcroft, not to mention the storyline of members of the permanent government inside the national security apparatus in Washington: World war? What world war? What war at all, other than Afghanistan and the one blundered into by George W. Bush in Iraq? Yes, 9/11 was terrible, but the Bush "obsession" with Iraq, obvious to insiders long before the actual invasion, enabled the perpetrators of 9/11 to escape the clutches of allied forces in the Afghan mountains, and has resulted in inexcusable neglect of the war in Afghanistan ever since.

That it has been possible for critics to isolate Iraq as an issue—making it into a giant, stand-alone Bush blunder—accounts in large part for the failure of the president to get much benefit in public opinion from the turnaround achieved by his appointment of General Petraeus. Improved prospects for getting the United States out of a difficult situation with only limited damage doesn't change the "fact" that our being there at all is a mistake. Even a completely unpredicted Bush success—the lack of new terrorist attacks against the American mainland since

NICHOLAS KAMM / AFP / GETTY IMAGES

September 2001—lends further plausibility to the Democratic storyline. In the words of the *New Yorker*'s Seymour Hersh in a C-SPAN interview, after all, 9/11 was "not that big a deal." In the revealing words of John Edwards, the war on terrorism is nothing more than a bumper sticker.

But even losing most of his defenders, becoming isolated in his own government, isn't enough to explain Bush's failed presidency. More than a few times two decades earlier, Ronald Reagan found himself all alone with a counterintuitive position, and not only in foreign policy. No Reagan adviser advocated the firing of every single striking air traffic controller. None thought the president should walk out of the Reykjavik summit, passing up major Gorbachev concessions, rather than restrict U.S. research on missile defense to the laboratory. None thought leaving Richard Perle's "zero option" proposal for full removal of Soviet intermediate missiles from Europe on the table for five long years would lead to a U.S.-Soviet agreement on the zero option. Yet each time, Reagan was right.

Reagan had a remarkable ability to assess his options, trust his judgment, make a bet, and let it ride. He never scapegoated advisers for being proved wrong. He didn't demand phony agreement at times when he knew he was alone. He fired subordinates not for disagreeing with him or even for leaking to the press, but for refusing to give his judgment the benefit of the doubt, at least for a time. Alexander Haig as secretary of state was not willing to do that. Haig knew he was smarter and better informed than Reagan, and ignored Reagan's wishes for what he was certain were the highest and most patriotic of reasons. His successor, the at least equally smart George Shultz, did not ignore his boss's wishes, and time after time found himself pleasantly surprised.

Yes, Reagan made some unusually good calls. Speaking as a Reaganite, I believe Bush did too, particularly in his first three years in the White House. But too often, he didn't let his bet ride. At other times he was proven right, but became distracted or forgetful when it was time to get to completion, to bank his winnings. We've seen how this worked to undo or render negligible some of his bravest and most innovative domestic moves, such as the first-term tax cuts and the faith-based initiative. The same failure to follow through demoralized Bush's supporters and threatened his achievements in foreign policy as well.

In his first two years as a wartime president beginning on 9/11, Bush was both daring and right about nearly everything, and his policies were beginning to have positive impacts that went beyond even his own expectations. The one part of his strategy that was going badly was the post-invasion battle for Iraq, and Bush gave the benefit of the doubt to Defense Secretary Rumsfeld and his favored generals for far too long. Yet despite this weakness, Bush's global strategy was starting to show significant results.

On weapons of mass destruction: The nuclear proliferation ring of A.Q. Khan in Pakistan was closed down. So was the Libyan drive for nuclear weapons, immediately in the wake of the invasion of Iraq.

On democratization: Afghan and Iraqi elections were judged free and fair despite Taliban and al Qaeda efforts to intimidate voters and suppress turnout. Given a firm nudge by the United States and France, the Syrian army was forced to end its decades-long presence in Lebanon. In subsequent free elections, Lebanon elected a pro-Western majority to parliament headed by a moderate Sunni prime minister. In the recalcitrant world of Arab dictatorships, Egypt and several other regimes reluctantly permitted opposition parties to acquire legal status and file in national elections. Bush's global democracy strategy also was credited with helping inspire the Orange and Rose Revolutions in Ukraine and Georgia, over Russian protests.

What caused this kind of progress to peter out, to be de-emphasized or put aside? One factor, surprisingly, was that Bush's second-term secretary of state, Condoleezza Rice, was more deferential to outside and internal opponents of Bush's policies than was her openly skeptical predecessor, Colin Powell. The Powell State Department allowed Bush Doctrine activists like John Bolton to serve in key areas like nonproliferation. On her succession, Secretary Rice asked Bolton to leave the department, which is how he came to be nominated as U.N. ambassador in the second Bush term as a kind of consolation prize. But when other moralists, hawks, and democratizers, officials like Paul Wolfowitz, Douglas Feith, and Richard Perle, left their first-term positions, Bush Doctrine sympathizers were almost never appointed to succeed them. In the White House, the two most effective advocates of Bush Doctrine foreign policies, Libby and Rove, were precisely the two officials criminalized or semi-criminalized by the Fitzgerald investigation.

Even more important, the tough going and setbacks in Iraq were allowed to cast a pall over the global strategy for no apparent reason. For example, tough initial stances against the weapons programs of Iran and North Korea were aborted or consigned to lowest-common-denominator multilateralism before they had much chance to bear fruit. Pressure to allow elections and legal opposition groups tailed off in Egypt and elsewhere. It was as if administration officials had internalized the mistakes and frustrations of Iraq so thoroughly that they assumed they would be repeated elsewhere if Bush Doctrine

initiatives were allowed to go forward undiluted. But the truth is that al Qaeda and its collaborators were pouring available resources into Iraq out of desperation because they were feeling beleaguered everywhere else. We know this because they said so in their own statements.

In retrospect, a fateful turning point for Bush's credibility was the elevation of Mahmoud Ahmadinejad to the presidency of Iran in June 2005. Unlike his predecessors in the Iranian presidency, Ahmadinejad was not a cleric but a politician allied to radical, terror-sponsoring elements in the regime. From his first weeks in office, he was provocatively anti-American, publicly flaunting Iran's drive to acquire advanced nuclear and ballistic missile technology and making Holocaust-denying, genocidal threats against Israel with alarming regularity.

Ahmadinejad seemed so unafraid of military confrontation with the United States that his background as a believer in a Shiite apocalypse involving the 12th Imam was widely analyzed. He held rogue-state summits and encouraged Syria to resume its secret-police assassinations of pro-Western elected officials in Lebanon. He pushed Hezbollah into a phase of unprovoked kidnappings and attacks that led to a war with Israel. He crossed sectarian lines, arming the Sunni Palestinian terrorists of Hamas and sharply increasing Iran's export of road bombs to al Qaeda in Iraq as well as to antigovernment Shiite militias. It was almost as if he wanted to test whether such central Bush Doctrine features as preempting threats, denying nuclear weapons to rogue states, and holding rogue-state hosts of terror organizations accountable as enemy combatants had any further real existence.

Though never formally repudiated, to all intents and purposes it appears that they do not. Probably the final interment of the Bush Doctrine came from the recent National Intelligence Estimate, which pompously and absurdly informed Bush and the American people that Iran has not posed a threat of acquiring nuclear weapons since 2003. Ahmadinejad welcomed the report as the greatest triumph for Iran in the past hundred years and last week scoffed at a third round of U.N. sanctions as meaningless.

In terms of the political debate, all this leaves the president with just about the worst of all worlds. If you share the president's premise that Iraq is only one front, albeit an important one, of a much larger global conflict, an improved Bush grade on Iraq is dwarfed by failures and humiliating retreats virtually everywhere else, most visibly Iran and North Korea. If you share the mainstream Democratic storyline that Iraq was a blunder and diversion from capturing Osama bin Laden and annihilating al Qaeda, the survival and consolidation of al Qaeda's high command in western Pakistan and the continued strength of Taliban forces in Afghanistan are further confirmation of the blunder, modified not at all by the recent success of General Petraeus. If you agree with those a bit further left, that the global war on terror is nothing but a bumper sticker, seemingly contrary evidence in such widely disparate places as Gaza, Iran, Syria, Lebanon, Somalia, Pakistan, and Afghanistan simply proves that most of the anti-American unrest in the Arab and Islamic world stems from our Iraq invasion, our partiality to Israel, or some combination of the two, in which case a quick retreat from Iraq is just as necessary as it was before the arrival of General Petraeus.

The one premise that is kinder to Bush is the belief of some that a viable democracy in Iraq is, if achieved, a

The temptation for Republicans in 2008 will be to focus too intensely on Petraeus and his success in Iraq. But unless voters refocus on the larger global war against jihadism, the Democratic narrative will continue to have life: If invading Iraq was a mistake, even our improved prospects there can be seen as a lucky sideshow to overall Republican blundering.

Taliban troops in Musa Qala, Afghanistan, December 2007

AZIZ AHMAD TASSAL / THE INSTITUTE FOR WAR & PEACE REPORTING / MCT

big enough event to change the Middle East, particularly the Arab world, which has been the most prolific source of anti-American jihadists. This may ultimately prove to be true, and if it does may cause a Truman-like resurrection in Bush's standing. Certainly the president's courage in elevating Petraeus has breathed some life back into this hope among the dwindling band of pro-Bush democratizers. But this is at best a long-term possibility that has little weight in the politics of today—particularly against the backdrop of a Bush-Rice State Department that is seldom critical of massive human-rights crackdowns in Iran and has shown little interest in the Syrian-backed serial murder in recent months of Lebanon's democratically elected pro-Western members of parliament.

* * *

In the presidential primaries, John McCain handled the Iraq issue brilliantly, making the most of the mounting success of the Petraeus troop surge. He commended the president for doing the right thing, but reminded voters that he, McCain, had called for a surge long before that policy had been adopted.

This combination provides an excellent model for Republican candidates who must deal with voters' feelings about the Bush presidency. Democratic opponents and reporters will press them for an overall assessment of Bush's performance or some aspect of it, knowing full well that either blanket support or rejection will cause problems for a Republican. If the candidate approves of Bush, voters will react negatively, picturing "more of the same." If the candidate disapproves, Republicans will see a turncoat and Democrats a rat leaving a sinking ship.

Rather than be trapped into this binary choice, Republicans will find it in their interest to break down such questions into specifics, then to pivot as quickly as possible toward the future. It is important to acknowledge Bush's failures rather than deny them, but also to cite the role of Democratic or congressional opposition whenever that can be legitimately claimed.

On the economy, for example, a Democrat may cite the superior performance of the Clinton years. A Republican candidate can counter by reminding voters that Bush had to deal with the sudden dislocations of 9/11. He can say he believes Bush was right to counter the 2001 recession with tax cuts, but lament the fact that Congress insisted on delaying the effective dates, which always delays a recovery. The Republican, who presumably voted for or supported the tax cuts, can note that Democrats insisted they all expire, a fact that is now causing uncertainty among workers and investors as stiff tax increases loom ever closer. Thus looking toward the future, the Republican can ask the Democrat to join him in supporting legislation to make the current and scheduled future tax cuts permanent, effective immediately. If the Democrat agrees, welcome the bipartisan spirit. If (more likely) he doesn't, demand that he explain how leaving the prospect of stiff tax increases in place will help today's economy and stock market. Why does he think raising the death tax from zero to a top rate of 55 percent two years from now, for instance, will be a good thing for American families?

On Bush's conduct of the war, a Republican can say he agrees with Bush's decision to order a swift military reaction to the mass murders of 9/11, but wishes Bush had sent more men to kill or capture Osama bin Laden before he could escape from Afghanistan. Like McCain, a GOP candidate can commend the appointment of Petraeus, while wishing it had happened three years earlier. And he can support Petraeus's recommendations on how soon to redeploy. Pivoting to the future, he can ask whether his Democratic opponent agrees with Petraeus's timetable or that of Harry Reid (or Nancy Pelosi or Barack Obama). Or does he agree with Hillary Clinton's statement at a Senate hearing last year that believing Petraeus requires "a willing suspension of disbelief"?

The temptation for Republicans trying to climb out of the wreckage of the Bush war presidency in 2008 will be to focus too intensely on Petraeus and his success in Iraq. It is true that the success of the surge is a precondition for GOP recovery in 2008; after being the greatest embarrassment, Iraq has emerged as the safest Republican talking point in all of foreign policy. But without a refocus of voters' attention on the larger global war against jihadism, the Democratic narrative will continue to have life: If invading Iraq was a mistake, even our improved prospects there can be seen as a lucky sideshow to overall Republican blundering.

It is thus essential for McCain and other Republican candidates to point out the violent activities of jihadists all over the world. If these activities are real, and they are, voters can be not so much convinced as reminded that the American response to 9/11 was right. Mistakes by Bush or Tony Blair or any other war leader do not make the threat of mass murder any less real.

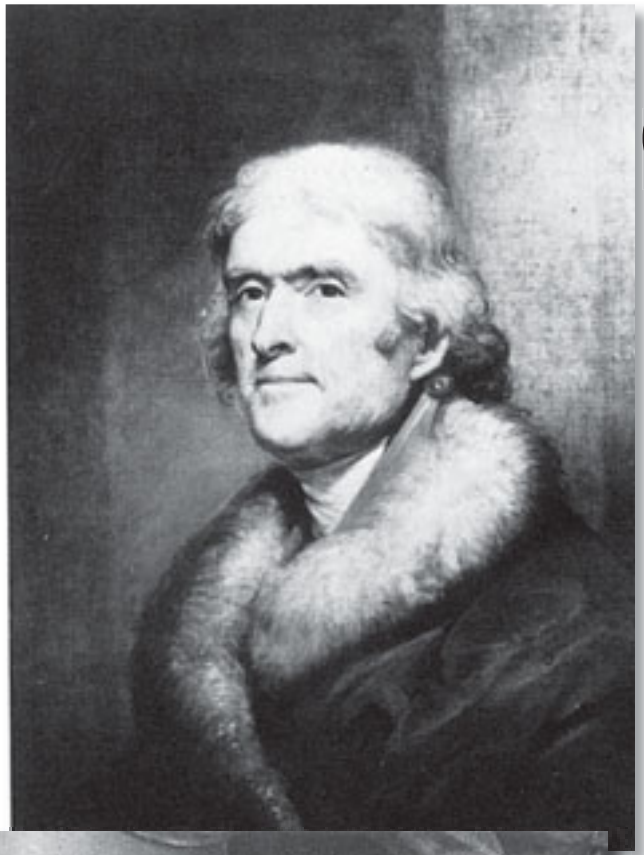
The global war on terrorism is not a mirage or a bumper sticker, but a necessity. So is the promotion of democratic values around the world. That is the true alternative to jihadism, not American retreat, and not a rush to hold photo ops with rogue-state dictators who say it is America that causes the problems of the world.

This is the central argument that must be joined, and it is an argument not just about the past but about our future and the future of the world. It is an argument that, for all of our faults, Republicans were born to win. ♦

Down to the Wire

If you think 2000 was a cliffhanger, try 1800.

BY JAMES M. BANNER JR.



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Thomas Jefferson (top), John Adams

No mere narrative of what we call the election of 1800 can capture that contest's place in the history of the United States.

For one thing, the election produced, and then resolved, the most critical constitutional crisis between the Philadelphia Convention of 1787 and the Civil War. For another, it turned out to be one of the very few epochal elections in American history. Only the elections of 1828, 1876, and 1932 equaled it in importance, and only the election of 1860 surpassed it in significance. What's more, it was one of but two presidential contests, the other being that of 1824, to be decided in the House of Representatives. (Two others had to be decided by recourse to institutions the Founders didn't contemplate getting involving in electoral matters: For the election of 1876 a specially constituted electoral commission; for the election of 2000 the Supreme Court.)

A Magnificent Catastrophe
The Tumultuous Election of 1800, America's First Presidential Campaign
by Edward J. Larson
Free Press, 352 pp., $27

This critical election—not just for president but for the entire House of Representatives and one-third of

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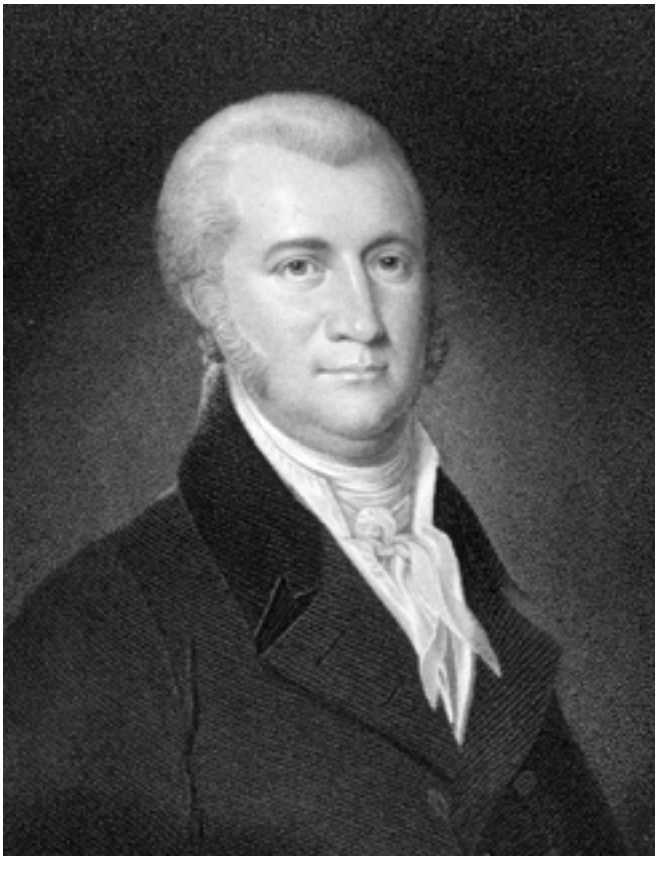
the Senate—concluded the opening decade of government under the infant Constitution of 1787. That decade had seen the emergence of political clubs and political parties, then called "factions"—although these parties were nothing like the organized institutions we know today. Open, competitive campaigns for public office had made their appearance. Turmoil over excise taxes—the Whiskey and Fries's rebellions—had interrupted domestic tranquility and occasioned the dispatch of federal troops into Pennsylvania. Fear of the spread of sedition and of foreign immigrants arriving on American shores had led to passage of the Alien and Sedition Acts.

While George Washington's two administrations, and John Adams's single one, had laid the foundations for America's economic stability, temporarily settled important outstanding issues with Great Britain, and ended an undeclared naval war with France, the threat of foreign military intervention and economic warfare continued to hang over the nation's affairs. Above all else, the United States found itself, after the Bastille's fall in 1789, a republic in a revolutionary world, a world torn by radical ideas, marching armies, preying navies, and two powerful nations (Great Britain, France) waiting to bind American trade and territory to their own interests or, failing that, to threaten American independence directly.

Little wonder, then, that, given the untried history of republican government over an extended republic, Americans were deeply apprehensive that the nation might not survive. Their anxieties freighting each event with heavy significance, they tended to interpret each act of government or each partisan affray as tolling the knell of American liberties or America's independent existence.

So when Vice President Thomas Jefferson challenged incumbent John Adams for the presidency in 1800, and in effect threatened to put an end to the opening phase of American government under Washington's stewardship and Adams's succeeding presidency, the Federalists, who considered themselves Washington's true followers and legatees, saw the republic's demise around the corner. And not surprisingly, when Jefferson emerged victorious in the battle for the nation's electoral votes, they sank into despond—except, that is, for the chance the election's outcome offered for their continuance in power. And therein lies the nub of the tale.



James Bayard of Delaware

It requires a book like this to cover the election's complexities. But in a nutshell, here's what occurred: When, in late 1800, the balloting for president—which in the nation's early years involved a diverse set of practices and took place over many months and not on a single, national Election Day as it does now—had ended, the Democratic-Republican ticket of Thomas Jefferson and Aaron Burr had narrowly edged out Adams and his running mate Charles Cotesworth Pinckney in the tally for electoral votes.

In gaining the most votes in the electoral college, however, the winning duo's party had been too disciplined and lacking in foresight. Because all electors pledged to their party had cast an equal number of votes for each man, Jefferson and Burr ended up with the same number of electoral votes. Consequently, neither man having been designated by electors as presidential and vice-presidential candidates on the Democratic-Republican ticket (subsequently required by the 12th Amendment, enacted to avoid a repeat of this crisis), the choice between the two men fell to the House of Representatives.

The necessity of turning to the House to choose a president precipitated the election's great crisis. By another quirk of the untried Constitution (which would be later amended also in this respect), the new Congress elected in 1800, overwhelmingly in the hands of Jefferson's party, would not convene until late 1801. The choice between Jefferson and Burr thus fell to the *old* House, one under the control of the defeated Federalist party. This presented the House and its members with no end of decisions to make, some of them juicily partisan, all of them gravely constitutional. To make matters worse, the outgoing House had to make its choice between early February 1801, when it convened, and March 4, at that time the date on which one administration was required under the Constitution to give way to another.

Under procedures set forth in the Constitution, voting in the House took place by state, each state having a single vote. The House delegations

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of 8 of the nation's 16 states were solidly in Jefferson's camp, the remaining eight either under Federalist control or evenly split. The trouble was that the votes of an absolute majority of states—in this case—were necessary to elect a president. The Federalists thus saw an opening, not only to make mischief but also, in their view, to save the republic from their opponents. So they decided to hold out to bring in Burr under some kind of agreement. This may seem like an unsurprising, if dangerous, political game today; but in those days such political deals were rare and a deal concerning a presidential election unprecedented.

Federalists were themselves of divided mind. For many of them, however tempting might be the bait of substituting Burr the New Yorker for Jefferson the people's choice, to approach Burr was like courting the devil himself. For Democratic-Republicans, to allow the people's will to be set aside was to invite nothing less than the corruption of the infant constitutional regime.

This doesn't mean that American constitutional government would have ended then and there had Thomas Jefferson been denied office. But it does mean that two possibilities, one putting the nation on a footing with others, the second obnoxious to the Federalists, hung in the air. The first was armed intervention by forces loyal to the Democratic-Republicans in the manner of other regimes, then and now. The governors of Virginia and Pennsylvania refused to deny rumors that, were the people's will thwarted, their militias would march on Washington to enforce it.

The second possibility—and the Federalists' darkest fear—was that the Democratic-Republicans might convene a second constitutional convention. In that event, the constitution emerging from that second convention would have been signally different from the Constitution we know now—and different in ways the Federalists deeply feared: one with a weaker president and court system and a greatly strengthened Congress.

This situation was ideal for some kind of political deal. We'll never know precisely what was suggested to whom in whose name and with what provisions. All involved covered their tracks and denied that any kind of agreement to accede to Jefferson's election was entered into. But some kind of arrangement surely was concluded—one made essential when Burr, while desiring to gain the prize, remained adamant that he wouldn't accept the presidency unless free of obligations to the Federalists.

The arrangement concluded by gobetweens was to assure the Federalists

Not surprisingly, when Jefferson emerged victorious in the battle for the nation's electoral votes, the Federalists sank into despond—except, that is, for the chance the election's outcome offered for their continuance in power.

(without Jefferson's saying or writing a word to lend credence to the fact) that Jefferson wouldn't overturn Federalist policies or turn out Federalist officeholders wholesale upon taking office. That tacit understanding was enough to convince one Federalist, in particular, that he should no longer stand in the way of Jefferson's election but, instead, move to end the crisis.

That man was James Bayard of Delaware, his small state's sole congressman. Bayard precipitated Jefferson's election on the 36th House ballot by withholding his vote from Burr and leading a few other Federalists to do so as well, thus allowing Jefferson to be elected by the requisite majority of states. Bayard took this step, he explained, so as "not to hazard the constitution." It was an act, one of the most important and statesmanlike in American history, that effectively put an end to his party's chances of ever winning the presidency or holding a majority in Congress again. By 1825, the Federalist party was effectively dead.

It would be hard to conceive of a more fluent, balanced, and full telling of the election's background and realities than Larson's. I know of no other book devoted to the contest which relates the tale so well. It now becomes the standard account. Larson draws readers along while lucidly supplying the necessary complement of detail about the election's political context and its progress from intraparty scheming to congressional resolution. Not naturally an easy story to relate, Larson tells it with consummate deftness and skill.

But that does not mean that *A Magnificent Catastrophe* is fully satisfactory as a work of history. And herein lies a problem with so much avowedly popular history—of which this is a fine example—today. An academic historian, Larson is clearly aware of criticisms of academic prose and aims, criticisms that also embody complaints about the ideological positioning and intellectual posturing of much academic history. But to steer clear, as Larson wisely does, of academic quarrels and ideological argument does not require him, like so many other authors of popular history, to forgo an authorial voice or to refrain from advancing any ideas.

Unfortunately, however, *A Magnificent Catastrophe* lacks both that voice and those ideas. Where and what is Larson's point of view? One has no sense of a historian wrestling with intractable evidence, or asking himself whether the facts themselves don't yield up some questions that need tackling.

Nor does one gain confidence from the absence of references to prior scholarship; Larson seems willful in citing only published manuscript sources but not the work of his colleagues. Furthermore, all is too serene; the facts arrange themselves too easily into a smooth narrative. But smoothness is not a characteristic of history—history in the past or history today. To assume that in the mere telling of a story inheres its full significance is to surrender the historian's perspective, to

cede to participants an event's meaning, and to reduce history dangerously close to chronicle.

It's also patronizing. The idea that readers are interested primarily in stories and not in analysis, that they won't accept argument, that they won't devote some intellectual labor to understanding an issue, or aren't intelligent enough to distinguish fact from interpretation, has gained ground in recent years. It doesn't speak well for an author and his publisher to accept these assumptions.

Let's take simply the matter of the "election of 1800." That's what we know it as, and not foolishly so. But doesn't that name embody some hidden propositions that it might be useful to question? Yes, we normally have a single election: The voters vote, and a clear outcome, a winner, results. But in an election like that of 1800 (as of 1824) in which the results are determined not by the voters but, instead, by members of the House of Representatives, *two* elections, not a single one, take place. Each is governed by different rules pertinent to its distinct institutional arena. The first is a public election contest fought throughout the country under regulations enacted by state authority. The second is confined to a single institution, is governed by House rules enacted for this single event, and is held behind closed doors.

That being the case, a kind of analytical clarity results when these separate contests are treated as separate events. Making the distinction between the two events even more necessary is the fact that, in 1801, the deciding election in the House was unprecedented. No rules, no experience for resolving an electoral tie, could be borrowed from the past. The Constitution was of little help; indeed, because of its many defects—defects that would, in part, be repaired by the 12th Amendment—the Constitution contributed to the electoral crisis in the first place. So did the failure of Congress to anticipate and address through legislation or constitutional amendment some of the problems that were foreseeable.

In addition, no mere narrative of all of these events can itself make clear that the election of 1801 was a critical moment in the constitutional history of the United States. Its resolution in the House saved the Constitution. Had the House not chosen a president by March 4, or not chosen one at all, there are solid grounds for fearing armed intervention or a second constitutional convention. More than that, as Bruce Ackerman has shown with penetrating skill in *The Failure of the Founding Fathers* (2005), not only the two elections themselves but many of the events leading to them were constitutional in nature, and a series of Supreme Court decisions afterwards owed their significance to issues raised by the election.

Even without addressing Ackerman's arguments, Larson might have engaged his readers in consideration of the larger significance—political, ideological, and cultural, as well as constitutional—of this critical contest. To assert without extensive explanation its importance is to empty the election of anything but its contents as an exciting episode. It surely was more than that.

It is the case, for instance, that Bayard's explanation of his decision to precipitate the election's resolution in the House—that he did not want "to hazard the constitution" by further defying the people's choice—brought into being a new line of constitutional reasoning and decision-making. It is the Constitution itself, rather than any party or any individual, which must be made "to win." To be sure, no single person, no single institution, is free to determine what the Constitution is or means; Americans will come to no unanimous agreement about how the Constitution should best be interpreted so that it "wins." But after 1801, a new standard of constitutionalism had been established, one that would allow the Marshall Court, starting with its *Marbury* decision in 1803, to issue its great decisions in some comfort that, controversial as these decisions would be, there now existed a broad constituency for which the Court's decrees, announced as constitutional interpretations, would have the authority of legitimacy. The Court could now freely declare that it was protecting the Constitution.

Larson ends with Jefferson's inauguration. That's a pity, because he had the opportunity to reflect on the enduring significance of the contest. That significance was enormous. Small-government, agrarian capitalism became the ideological norm against which American public policy would be measured well into the 20th century. The South gained a chokehold on the presidency and Congress until Lincoln's election took the nation into a new era for all time. Slavery was given 60 years to strengthen itself in the Old South and in the states carved out of the old southwest and across the Mississippi in the Louisiana Territory. The purchase of that vast western terrain by Jefferson's administration in 1803 at a stroke doubled the size of the young nation, greatly enlarged its agricultural might, expanded the areas into which slavery would advance, and set the final stage of the nation's eventual spread from sea to sea. With ideological sustenance from Jefferson and his followers, white manhood suffrage became nearly universal by 1840.

In short, the election of 1800 laid the groundwork for the nation's emergence as a slaveholding, agrarian, democratic, continental colossus.

It thus turned out that, in 1800, the voters, and in February 1801 the members of the House of Representatives, were deciding more than which party and, of the two Democratic-Republicans, which man would occupy the presidency for the next four years. It turned out that James Bayard was doing more than precipitating an outcome that would preserve the integrity of the 1787 Constitution.

Instead, the voters and their congressmen were determining the course of American government, the nature of American culture, the fate of African Americans, and the geographic reach of national authority for much of American history. They could not know that then, but we know it now. *A Magnificent Catastrophe* would have been better than it is had its author led his readers to contemplate those extraordinary consequences of a single presidential election. ♦

Holocaust Remembrance Day, Kiev, 2005

REUTERS / CORBIS

Out of Mind

In search of Ukraine's Holocaust victims.

BY ABBY WISSE SCHACHTER

Omer Bartov has a unique concept of a travelogue. Instead of the fine descriptions of exquisite French meals à la M.F.K. Fisher, or the journalistic eye of Rebecca West in Yugoslavia, Bartov's trip around Ukraine is a detailed examination of what he doesn't find; what isn't there. And what isn't there are Jews, or hardly any remnant, memorial, or marker of what happened to the millions of Ukrainian Jews who once populated every town and hamlet of Western Ukraine, formerly known as Eastern Galicia.

Erased
Vanishing Traces of Jewish Galicia in Present-Day Ukraine
by Omer Bartov
Princeton, 256 pp., $26.95

As he explains here, "The prewar world of Galicia is no more. But its past, and the denial of that past, is more visible than in many other parts of Europe, thanks to neglect, indifference and forgetfulness."

To Bartov, not only were the people erased but almost all traces that they had once existed are also vanishing into the ether. This book, he writes, is "my encounter with a past mostly forgotten, a present committed to rewriting the past, and a kind of reverse archaeological undertaking in which the last remains of destroyed civilizations are being buried under the new edifices of the new."

Bartov traveled through 20 towns, many of which until 1939 had boasted Jewish populations that dated as far back as the 14th century. Bartov set out to assess how the newly independent Ukraine is dealing with its past and what (if any) remnant of Jewish life, or death, remains. What he finds is that almost every town tells the same war story: Many were slaughtered by either the Fascists or the Communists, but few, if any, are specifically recognized as Jewish victims.

In L'viv, 40 miles southeast of the Polish border, he finds the remnant of the former Golden Rose Synagogue, built between 1580 and 1595. The building has one remaining wall, and beer bottles and garbage are strewn on the ground. A plaque records that the building was built as a synagogue and that the Nazis burnt it to the ground in 1942. But there is no marker for what happened to the Jews of L'viv.

"Nowhere is it mentioned," he writes, "that in the pogroms that followed immediately on the heels of the German Army's entry into the city on June 30, 1941, somewhere between 7,000 and 10,000 Jews were murdered."

The prewar population of Stryi consisted of 11,000 Jews and 25,000 Poles and Ukrainians. Bartov finds the shell

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of the Great Synagogue, where vegetation now grows out of the former house of worship. The synagogue has no marker for what occurred there on May 22, 1943.

> On that day [the Stryi ghetto] was surrounded by German soldiers, gendarmes, and Ukrainian militiamen. In the course of the *Aktion*, more than a thousand Jews were crammed into the Great Synagogue and kept locked inside it for several days. Many died there for lack of food and water and from the terrible congestion. The rest were taken out and shot at the Jewish cemetery.

What happened in Stryi—during and after the war—serves as a useful example for Bartov. He argues that the murder of Ukrainian Jewry was not an atrocity limited to Germans, but rather was undertaken with gusto and fervor by local Ukrainians, many of them nationalists, who were happy to do the Fascists' bidding in the name of fighting the Communists.

"Before withdrawing from the city in late June 1941," Bartov writes, "the Soviets murdered many political prisoners in the local jail, including several former Zionist activists. This did not prevent local Ukrainians and Poles, who blamed the Jews for collaborating with the Communists, from carrying out a major pogrom in which many were murdered."

As Bartov travels from town to town he finds this story repeated over and over again. The Soviets were brutal to Ukrainian nationalists and Jews before retreating in 1941, only to be followed by the Nazis who, with the help of vengeful local Ukrainians, perpetrated what is known today as "The Holocaust of Bullets." Unlike in other parts of Europe where mass killings were often limited to concentration camps, in Ukraine, hundreds and thousands of Jews were slaughtered by being herded together near freshly dug pits, shot at close range, and buried in mass graves.

The problem for present-day, independent Ukraine, is that this history of collaboration conflicts with their sense of national victimhood: "The vast majority of Ukrainians perceive World War II as their national martyrdom," Bartov explains. And indeed, the numbers do tell a horrific tale: 4.1 million Ukrainian civilians died in World War II, but *half* of those (1.9 million) were Jews.

What happened to the Jews of Stryi also serves Bartov as an example of the problem of historical memory currently plaguing modern Ukraine. The town of Stryi boasts several war memorials. There is the obligatory Soviet monument, "one of innumerable similar memorials erected all over Soviet Russia and its postwar East European Empire," Bartov writes. A huge Soviet soldier holds a baby alongside an even bigger stone column inscribed with the names of all the important battles of the Great Patriotic War (the Soviet era moniker for World War II). According to Bartov, the townspeople are ambivalent about the massive structure in the middle of their main square. They may have hated 60 years of Soviet control, but more than a decade after the fall of communism, they haven't torn it down.

In the meantime, they've erected a new monument to the "Freedom Fighters of Ukraine," which is "geared exclusively to commemorating the Ukrainian nationalist victims of Soviet Communism," Bartov writes. The memorial depicts themes of Christian martyrdom and national resurrection, and by erecting it, "the city has established its link to a past of martyrdom and heroism, even as it has cleansed itself in a religious rite both of its Communist legacy and of its Jewish inhabitants' mass murder."

There is a memorial to the Jews of Stryi, but it couldn't be more different from the city's other two monuments. A modest stone was erected six miles outside the city and was paid for by a former resident of a nearby town who now lives in Vienna.

"This single indication of the fate of Stryi's Jewish community, located in a distant open field," declares Bartov, "consigns the memory of Jewish life and death to a site outside the perimeter of modern Stryi; it is meant not for the current inhabitants, but for the Jewish survivors and for family members of the victims." Most city residents have no idea that this memorial even exists.

Continuing on his tour, Bartov finds towns where the Jewish cemetery is used for herding goats. In Ivano-Frankivs'k he finds a memorial to the Ukrainian victims of German aggression that stands in front of what was the synagogue. The memorial makes no reference to Jewish victims. In Buchach, forested Fedir Hill is the site of Jewish mass graves but the monument to the victims, again, misses the point. It reads in Ukrainian: "Here rest 450 people slain by the German executioners on Aug. 27, 1941." No mention that the victims were Jews, and certainly not an accurate count of how many Jews were murdered there. To add insult to genocide, there is another monument on Fedir Hill consisting of a mound of earth with a large cross on top. As Bartov explains, "It is dedicated to the [Ukrainian] freedom fighters who had first helped the Germans murder the Jews and then resisted the reoccupation of the region by the Red Army."

Bartov's message is clear: As long as Ukraine denies, hides, or locks away the past, a dark shadow is cast on the present. "And today," he writes, "as independent Ukraine struggles to reassert its still intensely disputed national identity, this known, familiar, but deeply buried secret, emerges once more from the burial pits and ruins—not as an event to be remembered but as one to be cast away or rewritten in a manner that will serve the goals of those who inherited the land."

Today, it seems that, instead of Ukrainians taking ownership of their history, someone else is trying to unearth their dark past for them. Recent news stories have described the work of a French Catholic priest, Patrick Desbois, who, with a team of researchers and assistants, is traveling around the country in search of Jewish killing fields. Father Desbois has no plan for how to commemorate his findings; his goal is simply to mark the places of Jewish slaughter.

Bartov, no doubt, would favor Ukrainians taking up the challenge of properly memorializing the destruction of their nation's Jewish population (including their own role in it). But I doubt he's holding his breath. ♦

Death in Turin

Unraveling the mystery of a German novelist in Italy.

BY EDITH ALSTON

Tucked in alongside a passport, this urbane sliver of literary black humor would be perfect for reading en route to the Frankfurt Book Fair, arming attendees with a few cannily entertaining views of the scholarly publishing world to pass along during the upcoming hospitality hours in tribute to a distinguished native son. A prize-winning poet and novelist, Michael Krüger has been head of the Hanser Verlag publishing house, and editor of the journal *Akzente* for many years, and knows whereof he writes in this perilously sharp-eyed tale.

The Executor
A Comedy of Letters
by Michael Krüger
Translated by John Hargraves
Harcourt, 192 pp., $23

An unnamed narrator has arrived from Germany in Turin for the funeral of Rudolf, a novelist and scholar who has led an academic institute housed in one of the city's urban palazzos for 20 years. Observing the service, he sees others who have lost a colleague, while he has lost his only friend.

Atop the institute, Rudolf has occupied a penthouse apartment with a rooftop terrace that shelters a motley crew of animals, seeming to belie the writer's irascible and contradictory nature, including a widowed peacock, a hedgehog, chickens of both barnyard and exotic varieties, the occasional migrating mallard who drops in, and dwarf rabbits all named after characters from Proust. Presiding over this peaceable kingdom is an aged and malodorous dog named Caesar, now mourning his departed master, who somehow maintains the menagerie's one abiding rule, that eating each other is *verboten*.

Retired from his own career at the fringes of literary academia, the narrator is also Rudolf's literary executor, charged with assessing the value and the destiny of Rudolf's life work. Ensconced in a lurching armchair, he is soon shuffling through cartons of manuscripts and research under the wary eye of Marta, Rudolf's overbearing assistant of many years, hoping both to "get to the core of the real-life drama" of Rudolf's life, which he suspects Marta of wanting to conceal, and to locate *The Testament*, Rudolf's last unpublished work, a novel the writer has intended to end all novels.

At night, leading him through the penthouse on clicking heels, Marta has introduced its rooms in a succession of strobe-light views, flipping light switches on and off. A comedy of manners as much as letters, *The Executor* casts a cool eye on every foible of personality fostered amid academic and intellectual grandiosity, from backbiting scholars belittling each others' careers, to academic colleagues conniving to stiff each other over the lunch bill, and the damning use of the word "interesting" to describe a work precisely when it is not. Characterization doesn't count for much, so that Rudolf's lifelong marriage to Elsa, hospitalized since his death with a stroke, is measured mostly in terms of her role as the rooftop gardener.

Youth is also given short shrift. A suicide at 60, Rudolf never liked holding seminars or reading his students' papers; in his view, nothing "except how not to dress and feed yourself" was to be learned from the young. Small children are mentioned at the funeral only for the action their restless shenanigans can stir into the scene, and all students remain voiceless, just hanging out and smoking in the institute halls, except for three tittering Thai girls who show up in the mornings to feed the animals.

When certain unsavory revelations start to arise out of the boxes, Rudolf's intellectual legacy is the first thing threatened. Then an unexpected triangle of competing women surfaces, including not just Elsa and the officious Marta, but Eva, an art historian known to both men since their student days. Remembered by the narrator as a put-upon feminist of "self-indulgent passivity," and dismissed most of the time by Rudolf for a dubious intellect, Eva has in fact been in an amorous correspondence with the dead man that suggests they were on the verge of beginning a new life together.

Rudolf's motive for suicide is thus in question when a fresh household sorrow leads Marta to spend a night in the narrator's bed. By next morning, however, the only impression she has left is of the sound of her teeth grinding in her sleep, "as if trying to pulverize her dreams in a pestle"; and in a long reflection on the relationship of Rudolf and Eva, the narrator now recalls in an offhanded way that he may once have been her lover, too.

In a suave and stately careen between hermetic memories of Rudolf and the predatory interests of the three women, the narrator also recalls his recent communications with his friend, consisting mostly of long-distance phone calls Rudolf made during his lecture tours, in-between delivering the same paper under various titles that he'd been delivering for years. In the small hours of the night, the writer would describe his crotchety struggle to beat the odds of perceiving his own work as reduced to "'a boneyard of trivialities.'"

> Increasingly Rudolf had become a joyless gambler, resorting to all sorts of new tricks to outsmart the fate that had dealt him a losing hand, to beat the impossible odds against his being able to complete his *Testament*.

Events, meanwhile, grow increasingly haphazard, with only a thread of intellectual gamesmanship persisting through the sinew of John Hargraves's lean and elastic prose. And when it turns up, what will *The Testament* actu-

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ally be: a novel to end all novels, or a literary parlor game in which the narrator might unknowingly disassemble the work beyond reassembling in the course of pursuing the writer's carefully contrived clues?

Embedded in this worldly and comic scanning of his lifelong professional ecosystem is more than a trace of suggestion that this writer might also be clambering through a rat's nest of crafty verbal manipulations while running out of intellectual steam. And writers of a certain age who sense any susceptibility to late-onset writer's block might prefer to keep their reading glasses aimed a little short of its mocking, if somewhat scary, journey through all their doubts, delusions, and stubborn down-to-the-last-instant dreams. ♦

BCA

An Unbeliever's Prayer

You don't need God to be satisfactorily spiritual.

BY GARIN HOVANNISIAN

This *Little Book of Atheist Spirituality* would have been considerably littler if it had begun on page 134, where its creator first suggests that atheist spirituality is even possible. But we tend to forgive André Comte-Sponville. It is understandable that the eminent French philosopher should begin by unloading his own thoughts about love, death, and the universe. And besides, we enjoy the journey through his detours, paved as they are with charm, charisma, and lovely Parisian sentimentality.

The Little Book of Atheist Spirituality
by André Comte-Sponville
Viking, 224 pp., $19.95

Most important, we discover that Comte-Sponville is not a cranky, cantankerous atheist. He was born into Christendom, and raised there; and though he eventually defected, he was never disinfected of its moral graces. He calls himself a "non-dogmatic atheist," a "faithful atheist," even a "Christian atheist." Comte-Sponville might not believe in God, but he admires Him. An atheist he is; a heathen he is not.

In the first of three chapters—"Can We Do Without Atheism?"—he writes: "My intention is not to convert people to atheism. It is merely to explain my position and the arguments in its favor." The explanations are invariably launched with "To my way of thinking" or "I personally" or "For my part" and end up in Salzburg or Strasbourg, where their author once traded pleasantries with a priest. The personal narrative, charming beyond its candid arrogance, empowers the authorial voice. But it can also compromise the message. Consider Comte-Sponville's rendition of a speech a born-again atheist might recite at the dinner table:

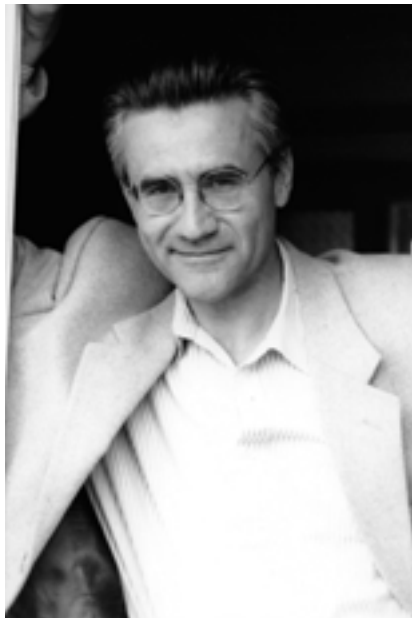
> Children, I have something important to tell you: I've lost my faith; I no longer believe in God! Of course, this doesn't in the least affect the values I've always tried to inculcate into you; I'm counting on you to go on respecting them!

The exclamatory silliness is enough to raise the eyebrows of the book's American audience, but to the resilient reader, it does convey an interesting idea: religious values without religiosity. The philosophy seems best captured in the biblical character of the Good Samaritan, the compassionate gentile who, more than any priest, warmed Jesus. Writes Comte-Sponville: "It is possible to do without religion, but not without communion, fidelity, or love."

The second chapter—"Does God Exist?"—withdraws even further from the book's premise, to say nothing yet of its argument. Here Comte-Sponville opens the doors to Kant, Epicurus, Lucretius, Alain, Montaigne, Pascal, Freud, and every other vagrant thinker who happens to be passing by. He unleashes through them his six choicest arguments against God's existence.

It is no compliment to Comte-Sponville that these immediately recall the arguments I recently compiled in contesting a speeding ticket in California. In a written trial by declaration, I argued that: *My car's speedometer wasn't working; if it were, then the cop's radar surely wasn't; but in any case, I was driving at the average pace of traffic; I certainly wasn't speeding; but if I were, I do sincerely apologize; you can understand, I was rushing to a funeral.*

I had learned, much to my delight, that state law did not require the various points of my defense to be consistent with one another. My leaking logic apparently seeped past California's courts; Comte-Sponville's does not elude ours. He claims that human mediocrity cannot suggest a perfect God and, on the other hand, that human glories suf-



André Comte-Sponville

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fice for a first-rate spirituality. He claims that God must be evil as he allows evil, and that God is actually "too good to be true," that "I am an atheist and happy to be one" and that "I desperately wish that God existed."

If six assassins found the audacity to target the ruler of the universe, we might hope that they wouldn't end up shooting each other. We do not expect a hobgoblin's consistency here, but we do require a theory that can survive on its own terms. These terms we find increasingly dubious, as we see that their intelligent designer is focused on proving why God *can't* exist more than why He *doesn't*.

As we enter the final chapter—"Can There Be an Atheist Spirituality?"—we realize that godlessness, for Comte-Sponville, isn't a mere view of reality, a true-or-false understanding of the universe, but a luscious, personal, and value-laden philosophy. We realize also that his designs of an atheist spirituality are not effected by atheism at all but by a movement of which atheism is itself an effect. Comte-Sponville is an Enlightenment man. And within Enlightenment's framework, he carves out his own spirituality, a fresh spirituality that has nothing to do with the union of self and soul and everything to do with the surrender of the self to the universe. The achievement of this oneness is called *plenitude*, "moments when nothing is missing, when there is nothing to either wish for or regret and when the question of possession is irrelevant."

The author experienced plenitude once in a forest. I'm afraid that I have not; my own atheist spirituality is less refined. But it has always been active. I have been known to cast a ballot for a candidate whose victory (or defeat) I knew would not be determined by it; I have cheered for my basketball team to an indifferent radio in an earless room.

I do not deny Comte-Sponville his atheist spirituality, and he is probably too tolerant to deny me mine. But they are different. They are inevitably different because a-theism—an *absence* of belief—contains, demands, and predicts nothing. It has subscribers in every demographic, constituency, party, and clique. Indeed, most atheists don't bother with God for the same reason that they don't bother with unicorns. Atheists, in their atheism, are indifferent.

For Comte-Sponville and me, this is a tragedy; we see in God a splendor beyond the trivial truth of his existence or nonexistence. We believe that humans run not on gyrating atoms or a selfish calculus but on something of a soul. We believe in human intrigues. But Comte-Sponville's book of atheist spirituality is different from mine because, unfortunately, there is no such thing as an atheist spirituality or philosophy or creed. In fact, there is no use at all for the adjective *atheist*. For atheism describes not a force, but a lack of force; not substance, but vacancy. Atheism is a hole. Atheism, like death, is nothing. ♦

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BOOKS & ARTS

The Green Quest

In 'brilliant' translation. BY ELI LEHRER

The great Middle English poem *Sir Gawain and the Green Knight* tells a simple story in a profound way. The poem, a long but hardly unwieldy 2,500 lines, begins in the midst of Christmas celebrations in King Arthur's Camelot where a mysterious stranger dressed entirely in green—the Green Knight—appears and proposes an apparently absurd wager: One of King Arthur's men should chop off his head and then allow the Green Knight to return the blow a year later.

Sir Gawain and the Green Knight
A New Verse Translation
Translated by Simon Armitage
Norton, 352 pp., $25.95

Sir Gawain, King Arthur's nephew, takes up the challenge and cuts off the Green Knight's head. The Green Knight then picks up his own head and rides off telling Gawain to return to have his own head chopped off. Ten months later, Gawain, despairing of his fate but understanding his sworn duty, heads off (pardon the expression). He travels through wild countryside where, shortly before Christmas, he finds a warm reception at a mysterious castle.

The castle's lord, Gawain's host, informs Gawain that he knows the location of the Green Knight's lair. Furthermore, he arranges an unusual wager: Each day while the Host goes hunting, Gawain will stay in the castle; at the end of the day the Host and Gawain will exchange their daily winnings. For two days, after the Host leaves for the hunt, his wife enters Gawain's bedchamber and makes flirtatious advances. Gawain resists these advances and gets the wife to go away in return for chaste kisses. On the final day, before Gawain's scheduled appointment with the Green Knight, the Host's wife enters the bedchamber in revealing clothing. She again makes advances on the knight and offers Gawain what might be her wedding band as a gift.

He again rejects her advances, but in desperation, she offers him a green garter that she says will keep him safe from all harm. He takes it and kisses her three times. The following morning the Host leads Gawain to the Green Knight's lair. Gawain enters the lair and encounters the Knight, who takes two swings at his neck but checks them before striking a blow. Finally, he gives Gawain a small knick on the side of his neck and lets him go.

The Green Knight then reveals that he is actually Gawain's solicitous host, and that he sent him his wife in an effort to test Gawain. He invites Gawain back for more merrymaking but

Gawain—embarrassed that his own honor gave out—declines the invitation and rides back to Camelot. Upon his return, he tells the story and reveals his own lack of virtue. Arthur commends him nonetheless and asks all his knights to wear the green sash as a memory that they, too, lack absolute virtue.

The poem celebrates chivalry, honor, Christian religious devotion, bravery, and sexual virtue. It contains fantastic hunting scenes, cinematic descriptions of arms and armor, and even some sexualized dialogue that Freudians and feminists have discoursed upon to no end. Postcolonial scholars have even tried to read it as an allegory for relations between the English and Welsh in the 14th century.

The Knight presents his severed head to King Arthur

More than anything else, however, the poem tells a good story. While the four versions of William Langland's *Piers Plowman* remain largely unknown outside of academe, and Geoffrey Chaucer's *Canterbury Tales* flirt into the popular imagination more for their bawdy, funny stories than the more difficult romances, *Gawain* remains alive as a narrative. In the past 50 years four films, an opera, several children's books, and at least two novels have used it as source material.

Its author—typically called the Pearl Poet by scholars—wrote three other poems, including the beautifully sad *Pearl*, which describes the loss of his beloved daughter. A near contemporary of Chaucer and Langland, he wrote in a northern dialect that lies a long distance from modern English: Unlike Chaucer, whom bright college students can simply pick up and read, *Gawain* requires some formal study of Middle English to understand the Pearl Poet's idiom.

Like Chaucer and Langland, the Pearl Poet wrote in alliterative verse. *Gawain* consists of 101 stanzas with uneven numbers of lines. Although nearly all lines come in the form of two metrical feet, and each stanza ends with a five-lined rhyming bob and wheel, the formality of this structure breaks down somewhere in almost every stanza. Instead, the poet achieves his effects through alliteration in nearly every line. For example, a particularly famous passage reads as follows:

> *Sumwhyle with wormes he werres, and with wolves als,*
> *Sumwhyle with wodwos that woned in the knarres*
> *Both with bulles and beres, and bores otherquyle*
> *And etaynes that hym anelede of the heghe felle.*

With the bouncy rhythm of alliterative Middle English poetry, this passage—describing Gawain's adventures on his way to visit the castle—achieves a plethora of poetic effects that a literal translation can't necessarily convey. The repeated "w" and hard "b" sounds create an animalistic, onomatopoetic sound evoking the beasts Gawain fought and the perils he encountered. It's an effect that works much better in the lilting, musical rhythm of Middle English than in modern English. It's not a coincidence that two of the best efforts at modern English alliterative poetry—Dana Gioia's *Nosferatu* and Richard Wilbur's *On Freedom's Ground*—were actually written with musical accompaniment in mind.

Simon Armitage, a younger British poet who shows a strong taste for the lyric in his own work, has embarked on an audacious effort in this new translation. For those interested in pure philology, the shockingly bright green scholarly edition of J.R.R. Tolkien, E.V. Gordon, and Norman Davis is, and will remain, the standard version. But Armitage has done something different: He has engaged in a deeply romantic effort to capture the spirit, feel, and music the Pearl Poet intended without lapsing into an entirely free translation. He succeeds.

Taking the passage quoted earlier, Armitage translates it this way:

> *Here he scrapes with serpents and snarling wolves,*
> *Here he tangles with wodwos causing trouble in the crags,*
> *Or with bulls and bears and the odd wild boar*
> *Hard on his heels through the highlands come the giants.*

Armitage takes some liberties. The word "wormes" probably refers to "dragons" rather than serpents, but using "dragons" would have destroyed the alliteration. And most translators have guessed that "wodwos" refers to "wild men." (Since the word appears nowhere else in the corpus of Middle English literature, leaving it untranslated is perfectly defensible.) Finally, the phrase "hard on his heels" likely adds a bit more urgency than the Pearl Poet's plain language intended, yet still conveys the feeling of the Middle English verse. But these minor nitpicks aren't really the point: Read aloud, the passage sounds a good deal like Middle English verse, and successfully captures the music of the original.

Now and then Armitage's poetic license gets the best of him: Distinctly un-Middle English terms like "spinal cord" (when it's not really implied by the original) and "bivouacs" (to create an alliteration) creep into the text here and there. But these are minor gripes. Simon Armitage's translation is a brilliant achievement, and truly captures the spirit of the original. ♦

GETTY

Grace Note

What happens when the Egyptian policemen's band is stranded in Israel. **BY JOHN PODHORETZ**

The one thing that can bring Jews and Arabs together is a desperate common need for an antidepressant. Such is the theme of the celebrated new Israeli movie *The Band's Visit*. The tale told here is about eight Egyptian musicians employed by the Alexandria Police Department who make a brief visit to Israel to play a concert at an Arab culture center in the town of Petah Tikva. They end up, instead, in a town called Beit Ha-Tikva.

The Band's Visit
Directed by Eran Kolirin

Writer-director Eran Kolirin presents it as a bleak, depressing outpost in the middle of nowhere: "No culture, no nothing," as one of its downtrodden residents, a café manager named Dina, says bitterly in accented English to the leader of the Egyptian band. There is no such place as Beit Ha-Tikva. Ha-Tikva, which means "The Hope" in Hebrew, is the name of Israel's national anthem. The symbolic significance suggests that Kolirin wants Beit Ha-Tikva to serve as a stand-in for all of Israel—lost in the desert, in the middle of nowhere, choking on dust and sand, living a pointless and absurd existence.

As allegory, *The Band's Visit* is a ludicrous failure. Hard-charging, dynamic, tough-minded Israel can be equated with Beit Ha-Tikva only if you think the setting of *Waiting for Godot* is actually the Fifth Arrondissement in Paris. Fortunately for the audience watching *The Band's Visit*, its writer-director's polemical intent is overtaken by the movie's droll and dry depiction of Egyptian strangers in a strange Israeli land and by the deadpan compassion with which it treats the gloomy circumstances in which its characters find themselves.

There is only one person in *The Band's Visit* who isn't a lost soul. That is the skirt-chaser Haled, the band's cellist, who is so busy trying to pick up the Israeli girl at the Tel Aviv bus station's information desk that he gets the name of the town wrong. Unaffected by his mistake, Haled sails through the predicament without worry—counseling a lonelyhearts Israeli misfit in how to pick up a dour girl at the Beit Ha-Tikva roller disco, and doing his best to fix up Tawfiq, the band's leader, with the sexy, wounded Dina.

Tawfiq, a formal and elegant man in his fifties, will not contact the Egyptian embassy in Tel Aviv for help because he is worried about his band's future. There is talk in the Alexandria Police Department that they are going to shut the band down as a money-saving measure, and he does not want to give the talkers ammunition.

The movie's comic force comes from watching Tawfiq try, like a skinny Egyptian Oliver Hardy with a Buster Keaton stone face, to maintain his dignity as his dilemma grows ever more desperate. An Israeli actor named Sasson Gabai gives an immensely touching performance in the role, which deepens as the movie progresses. Tawfiq's stoic rigidity gives way as he finds his reserve melting under the gaze of the hungry Dina—though his response to her is not in the least erotic.

It turns out that he has made a hash of his life, as has she. And so it is with Itzik, one of the men who hang out at Dina's café. Itzik takes three of the musicians back to his apartment to spend the night, only to be met with frosty hatred from his wife. She is not angry because they are Egyptian, but because he has been out of work for a year and she has lost all respect for him. When the band's clarinetist plays eight or ten bars of a concerto he once began but never finished, Itzik tells him maybe he *did* complete it because the music evokes the "tons of loneliness" Itzik feels.

Sound depressing? *The Band's Visit* is, kind of. But it's also kind of nice, like a conversation you strike up on a train or plane with an amusing stranger who turns out to have a sad story to tell. The sadness creeps up on you, but you don't mind it so much because the stranger interests you. That is the nature of the interactions in *The Band's Visit*, in which people who come together for one night and will never see each other again find it easy to share intimacies and bare their souls.

The fact that these strangers are, on one side, Arabs and on the other, Jews, is never remarked upon. There is a spirit of complete acceptance. Dina tells Tawfiq (as she does everything she can to get him into bed) that when she was a child all of Israel would gather to watch Egyptian movies on television on Friday afternoons: "I loved Omar Sharif," she says. Only once does one of the Egyptians show even a moment's political discomfort, and that comes when he sees a picture of an Israeli standing triumphantly atop a tank (presumably an Egyptian tank during the Six Day War). But he gracefully covers the picture with his blue policeman's hat.

As a geopolitical fairy tale, *The Band's Visit* makes its mark as the Rodney King of motion pictures, Rodney King meets Barack Obama. Can't we all just get along? Yes, we can. Needless to say, this Israeli movie, so openhearted and generous about the kindness and fellow feeling of Egyptians, has been banned in Egypt. ♦

John Podhoretz, editorial director of Commentary*, is* The Weekly Standard*'s movie critic.*

OBAMA'08

OBAMA FOR AMERICA
P.O. BOX 8102
CHICAGO, IL 60680

March 11, 2008

Memo

To: David Plouffe
From: David Axelrod
Re: How we won in Vermont

OK, we've got six weeks till the Pennsylvania primary, and the Clinton gang is going to throw everything at us. I had a meet-up last night with some people from VermontersforObama.org, and they told me that their best defense against the Clinton attacks was a coalition they assembled of progressive groups and Barack-minded Vermonters who stuck together, stayed constantly in touch, and pushed back hard against Clinton in the media.

Here's their list of Vermont organizations; we should do the same in Pennsylvania, and quickly.

Montpelier Mothers for Peace
Vermont Friends of Public Television
The David Dellinger Foundation
Ben
La Leche League of Brattleboro
For the Children, Inc.
Catholic Worker Vintage Clothing
Green Mountain State Grannies Against the War
Middlebury for Mumia
Transgendered Alliance of Vermont
Jerry
No Nukes of Northfield, Inc.
Unitarian-Universalists of Brattleboro for Justice
Vermont Vegans for Obama
Cast of 'The Vagina Monologues,' Rutland Playhouse
Benningtonians for a Sustainable Future
Vermont Public Radio Associates
Winooski Vaccine-Autism Awareness Council
Socialist Workers Party and Food Co-Op., Saint Johnsbury
Episcopalians Against Homelessness
Vermonters for 9/11 Truth
Islamic-Christian Interfaith Dialogue Council of Essex Junction
Friends of the Abraham Lincoln Brigade
Harvard Club of Burlington