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the weekly

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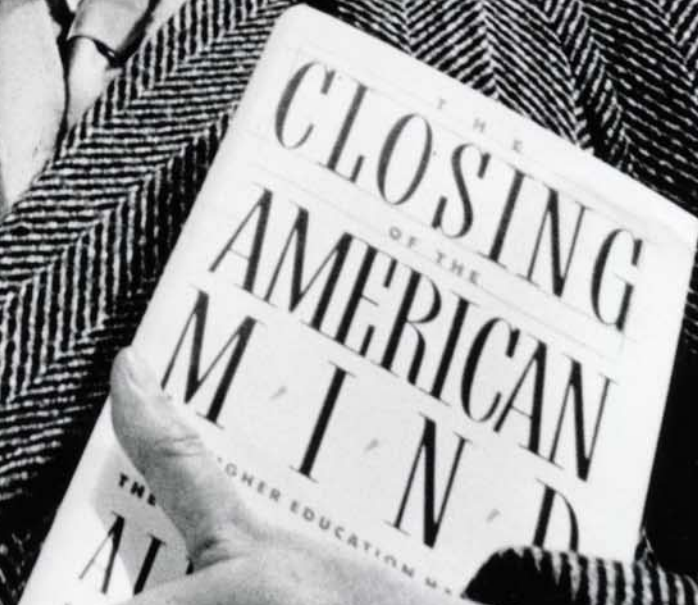
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BY ANDREW FERGUSON



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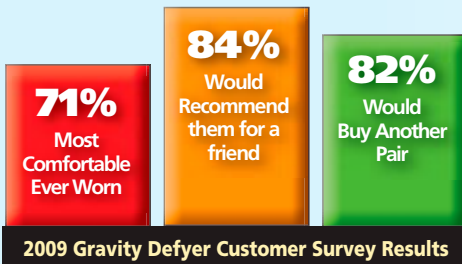
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Inside the Liberal Bubble

In Solicitor General Donald B. Verrilli Jr.'s closing arguments before the Supreme Court in defense of Obamacare last week, THE SCRAPBOOK couldn't help but notice a rather desperate gambit. He twice defended the health care law's constitutionality by arguing it will help secure the "blessings of liberty," as if the phrase stated in the Constitution's preamble is a catchall that trumps the limits on federal power of the Constitution proper.

Talk about a tell. Blogging at the Volokh Conspiracy, George Mason University law professor David Bernstein summed it up:

If anything, I think a typical reaction of Federalist Society types [i.e., judicial conservatives] is that reliance on the preamble [is] the last refuge of those who don't have a serious constitutional argument to make; "you mean you're not an originalist or a textualist and you want us to engage in 'living constitutionalism' with regard to all sorts of very specific and substantive constitutional provisions, but then you want us to take the *preamble* seriously?"

This grasping at straws was just the capstone to what even liberal observers admitted was a week of self-immolation for Verrilli in response to conservative justices' basic questions about limits on federal power. It's not like Verrilli should have been blindsided by conservative concerns that Obamacare's health insurance mandate exceeded constitutional constraints. If he had read the opposing briefs and lower court decisions, absolutely nothing the justices asked him should have been surprising.

However, he wasn't the only one caught flatfooted by a critical court. Recall that when Nancy Pelosi was asked about the constitutionality of Obamacare back in 2009, she responded as if she were being asked about a sighting of Bigfoot: "Are you serious? Are you serious?" The week before the case, the *New York Times's* Linda Greenhouse actually griped that the media were failing "to let readers in on the fact that one side's argument is so manifestly weak that it doesn't deserve to win." Whatever the outcome of the case, no one serious (and by that we mean deeper thinkers than Greenhouse and Pelosi) believes that now.

Having already expressed complete disdain for the briefs against the mandate, *Slate* legal analyst Dahlia Lithwick wrote a column following Verrilli's catastrophic debut—and by "wrote a column" we mean had a public breakdown—contending that people who disagree with her particular brand of constitutional Rorschach analysis think freedom is a "dark, dark place" and want to turn the clock back to 1804.

Also last week Senator Richard Blumenthal (D-Conn.) held a press conference essentially trying to bully the Court, warning of "grave damage" to its reputation if the Obamacare health insurance mandate is declared unconstitutional. "The Court commands no armies, it has no money; it depends for its power

on its credibility," said Blumenthal.

We probably weren't the only ones to hear echoes of Stalin's famous gibe: "The pope! How many divisions has he got?" (And speaking of armies and credibility, this is the same Senator Blumenthal who repeatedly and falsely claimed while running for office to have served in Vietnam.)

The prize for unhinged emotionalism, however, has to go to *Atlantic* writer and *60 Minutes* legal analyst

Andrew Cohen, who wrote, "The arguments in the Care Act cases may be funny to Justice Antonin Scalia, the bully that he is, but they aren't funny to the single father who will avoid bankruptcy because of the law." Note well, wisecracking justices: No comic relief during those tedious hours of oral argument or you

will be found in contempt by Cohen.

Until the Court rules on the mandate, it's Anthony Kennedy's world, and we're just living in it. But we can safely say that no matter what happens, it will be near impossible to ignore or dismiss the arguments against the mandate from now on. Not completely impossible, though. Liberals can still follow the lead of the *New York Times's* Gail Collins, who reacted to last week's arguments as follows: "I have my hands over my ears. Not listening."

Collins thus is the very model of the modern liberal: living in an ideological bubble, deaf to all other arguments, and proud of it. ♦



Gail Collins

God and Man at Vanderbilt, cont.

When we last checked in on Vanderbilt University, the administration was defending its

"all comers" policy for leadership in religious student organizations. In the name of compliance with its nondiscrimination policy, the university decreed that religious groups must not bar students from eligibil-

ity for leadership positions based on, among other factors, their religious beliefs. Five religious student groups were placed on probation for failing to adopt this in practice, while other faith groups around campus, includ-

ing Vanderbilt Catholic, openly protested the policy.

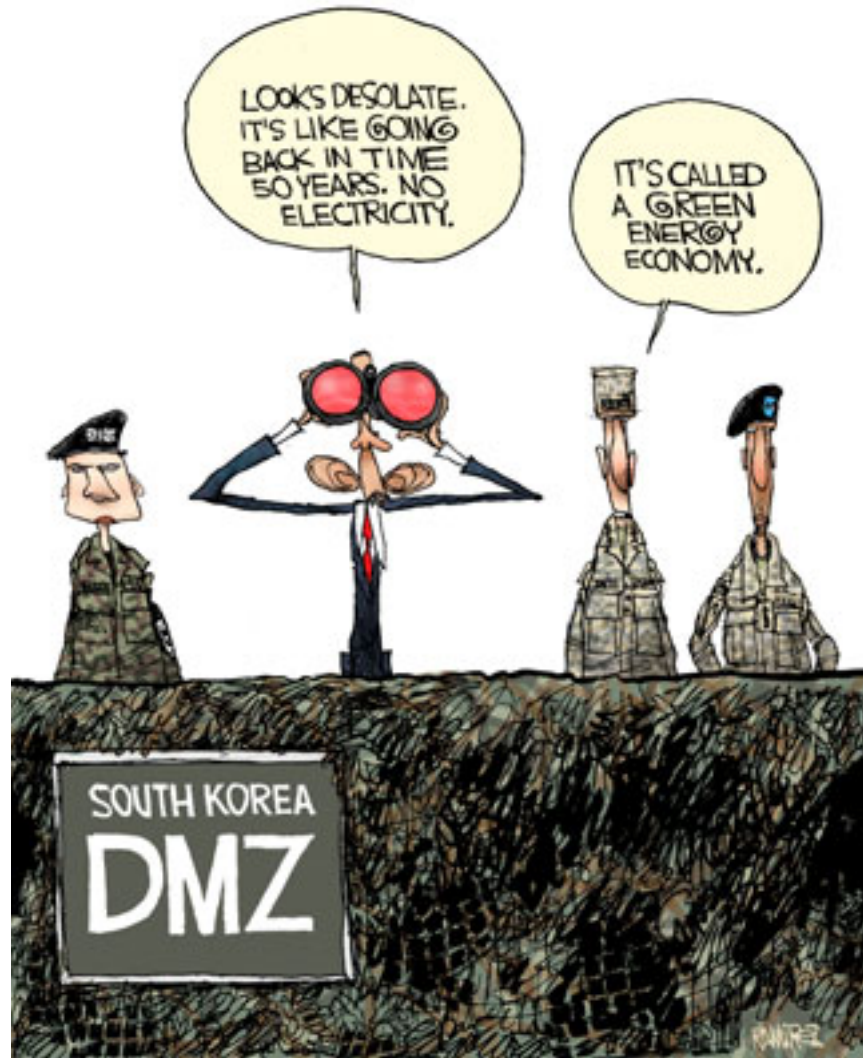
Unfortunately for campus Catholics and Vanderbilt community members of all faiths, the leadership of Vandy Catholic has decided not to reregister as a student organization for the upcoming fall semester. “The discriminatory nondiscrimination policy of Vanderbilt University has forced our hand,” said Father John Sims Baker, the university’s Catholic chaplain, in a statement posted on the group’s website. A letter signed by Vandy Catholic’s five student leaders explains the decision further:

After much reflection, discussion, and prayer, we have decided that Vanderbilt+Catholic cannot in good conscience affirm that we comply with this policy. While organizational skills and leadership abilities are important qualifications for leaders of Vanderbilt+Catholic, the primary qualification for leadership is Catholic faith and practice. We are a faith-based organization. A Catholic student organization led by someone who neither professes the Catholic faith nor strives to live it out would not be able to serve its members as an authentically Catholic organization. We cannot sign the affirmation form because to do so would be to lie to the university and to ourselves about who we are as an organization.

While this policy may change our status as a registered student organization, it will not change our mission. We will continue to serve the Vanderbilt community as a welcoming and faithful Catholic campus ministry, proposing Jesus Christ in all that we do.

“We regret, but respect, their decision,” university spokeswoman Beth Fortune emailed the *Tennessean*. “We believe, though, that the vast majority of our more than 400 registered student organizations easily will comply with the policy.”

Of course, Vandy Catholic will no longer be among those 400 student organizations, depriving Catholics and even interested non-Catholics among Vanderbilt’s undergraduates easy access to a vibrant student group. Baker has said that the group will reorganize off-campus, with the blessing of Nashville’s bishop, but the fact



that Vandy Catholic found its continued affiliation with the university untenable speaks volumes about the values of the Vanderbilt administration.

Is it desirable for the university to continue defending a policy that makes little practical sense and is, intentionally or not, hostile to religious students who wish to organize themselves according to the tenets of their faith? Is it in the university’s interest to portray itself to prospective students as intolerant of peaceful expressions of faith and of organizations that seek to foster such expressions?

If the Vanderbilt administration truly regrets the loss of the group, it’s not too late to undo the new policy and reinstate freedom of association. ♦

Don’t Let the Door Hit You . . .

Current TV, a.k.a. the Al Gore cable channel that no one watches, released a rather unsurprising statement this past Friday afternoon. You don’t need a Yale Ph.D. in Comparative Literature to read the bitterness between the lines of this press release:

We created Current to give voice to those Americans who refuse to rely on corporate-controlled media and are seeking an authentic progressive outlet. We are more committed to those goals today than ever before. Current was also founded on the values of respect, openness, collegiality, and

loyalty to our viewers. Unfortunately these values are no longer reflected in our relationship with Keith Olbermann and we have ended it.

According to the *New York Times* account, “Olbermann will not be given an opportunity to sign off.”

Ouch. In case you were wondering, Current TV has announced that it has already found a successor to Olbermann, who presumably does embody the “values of respect, openness, collegiality, and loyalty to our viewers”—Eliot “Client No. 9” Spitzer. ♦

Earl Scruggs, 1924-2012

Jazz has been called America’s classical music, but country music—especially the bluegrass variety—is equally indigenous, having emerged from the mists of the Scotch-Irish enclaves in the Appalachian Mountains. This is not a debate about jazz versus country (THE SCRAPBOOK likes them both) but another way to say that, when Earl Scruggs died last week at 88, America lost one of its greatest native artists.

To say that Earl Scruggs was the

best banjo player who ever lived is a little like saying that Charles Dickens was a talented storyteller. His three-fingered “Scruggs style” of picking revolutionized technique, and every player since Earl Scruggs arrived on the music scene 60-plus years ago is under his influence. The Scruggs-style banjo is played with picks on the thumb, middle, and index fingers, and the strings are picked in sequence at lightning speed while the melody is interspersed among the rolls. It’s a complicated, rhythmic, highly syncopated style, and you don’t even have to be a fan of country music to be hypnotized by the sight and sound of Earl Scruggs playing “Foggy Mountain Breakdown” and “Salty Dog Blues” on YouTube.

Earl Scruggs was from North Carolina, and like many of the great bluegrass musicians of the last century, got his start playing with Bill Monroe, the father of bluegrass. But it was not until the late 1940s, when he joined guitarist Lester Flatt to form the Foggy Mountain Boys, that he started gaining renown outside the concert hall and AM radio circuits of the South. Connoisseurs of pop culture will know the Foggy Mountain Boys’ theme song to *The Beverly Hillbillies* (1962)—“Come and listen to my story ’bout a man named Jed”—but students of folk history remember as well their catchy tune about Martha White Flour (“Goodness gracious, good and light, Martha White”), the sponsor of their Nashville radio and television shows.

By all accounts, Earl Scruggs was a good-natured, eminently approachable man whose absolute mastery of his instrument had no effect on his natural modesty. He performed with a wide variety of musicians, almost until his death, and his banjo playing was never anything other than superlative, exuberant, transcendent—and quintessentially American. ♦



Earl Scruggs

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Laggard

At about quarter till nine Monday morning, heading back to the office after a big lunch of barbecued chicken and rice, I realized how much of my life I've lived under the influence of jet lag. I had spent the weekend at a conference in Belgium. My flight from Brussels had got in at 8 P.M. the night before, which meant 2 A.M. in my head. I gave my family the usual greeting ("Hello! Goodnight!") when I crawled up the steps. I settled into bed with a book and read half a sentence ("One of the strange things about the—") and then clonk! went the book on the floor. Next thing I knew the dog was barking psychotically at something in the window, most likely her reflection. The clock said 1 A.M. My body, however, said, "Rise and shine! Don't sleep the day away!" Downstairs for a bowl of Cheerios.

I was made for jet lag. I managed to suffer from it even before I flew on jets. Almost everyone retains a vague memory from his college days of one raucous night when he stayed up past dawn and then, to his horror, slept until dinner. I woke up from an all-night party one evening in January of my sophomore year and didn't manage to get back on a regular schedule until May. The logistical challenges of this schedule were considerable. I would wake around 7 P.M., in time to make it to the dining hall for my "breakfast" of steak and soup or fried chicken. Then I would hurry to the liquor store for beer, because it would be closed at the "end" of my day, when I needed a "cocktail" before heading back to the dining hall at 7 A.M. for a "dinner" of waffles and maple syrup.

Why did I put up with this existence? Well, to say I am good at forming, and bad at breaking, habits is to tell the story of my life in the most succinct way possible. I didn't just put up with it, of course. I indulged it. I tramped around the city self-destructively in the freezing cold, the pockets of my ratty old overcoat filled with books by writers who had tramped



around self-destructively in the freezing cold with books in the pockets of their ratty old overcoats: Dostoyevsky, Nerval, Knut Hamsun, John Berryman . . . those types. It sounds pretentious, I know. To the person I am today, it sounds sad. But it is probably good training for going one's own way, which is not just the main requirement for being a writer but also the main reward. It was certainly good training for being unemployed.

As an adult I have spent an awful lot of time reading in foreign hotel rooms at 3:30 in the morning, including about half of the unabridged *Gulag Archipelago* during one week in Amsterdam where I never did quite

manage to get on the local clock. On transatlantic flights, I generally resort to sleeping pills. Two Advil PMs will generally drop me like a sack of grain for about five hours, especially when they are washed down with a cup of tea with cream and sugar, which always fills me with thoughts of deep armchairs, exciting novels, crackling fires, and the weight of a sleeping dog's head on one's foot.

The only time I forgot my Advil PMs I went into a pharmacy in Rome to ask for something to help me sleep. The pharmacist gave me a brown-glass vial with a hand-applied label and told me to take one at bedtime. It was filled with tiny, dusty pills—a kind of smoke halo rose out of it when I unscrewed the top.

Well, cripes, if the people who do the Harry Potter movies ever make a pornographic film about Hell, I think it will look like the dreams I had that night in my crummy Roman hotel room. I remember turning on the bedside light in a sweat of fear and hoping (but rather doubting) that the psychedelic death bat with which I had been doing battle for the last half-hour was a figment of my imagination.

I read that hand-printed label. It informed me that the pharmacist was a homeopath (not that there's anything wrong with that, of course) and that the pill's active ingredient was belladonna. I don't know whether it's a root or a spice or a poison, but it smacks of the Middle Ages. Women take it in Shakespeare's plays either to dilate their pupils or to fall asleep for 60 years.

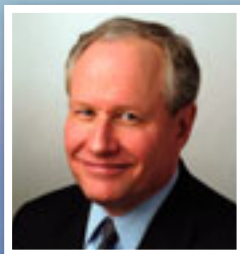
It shows that while jets are new, jet lag is for the ages. Now if you don't mind, I'll just put on my pajamas and go to lunch.

CHRISTOPHER CALDWELL

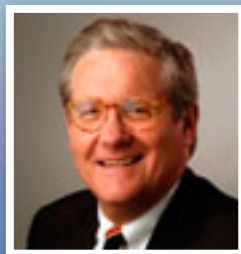
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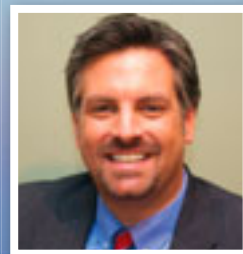
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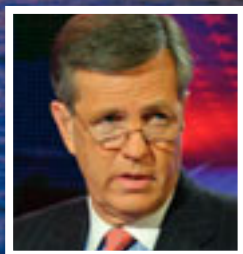
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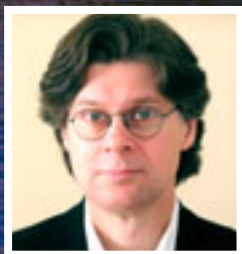
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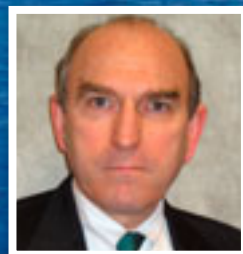
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Forward, March!

The conventional wisdom about the 2012 presidential race, among most political professionals and especially Republican campaign operatives, has been this: Reelection efforts are all about the incumbent. This incumbent is beatable. President Obama's job approval rating, for the last couple of years, has consistently been below 50 percent. This reflects above all a poor economy, and voters vote their pocketbooks.

It's true, the conventional consultant wisdom continues, that Republicans aren't too popular either. But if the election is a referendum on Obama, and if Republicans can just avoid getting in their own way by raising wacky social issues or scaring people about their own plans for Medicare, and if the GOP can raise money, hammer away at Obama, and put together a first-class voter turnout operation in key states, then Obama should lose. And an Obama loss means a Republican victory.

This conventional wisdom was right, up to a point. The trouble is, we're just now passing that point.

Obama's job approval rating, in the RealClearPolitics average of polls, has risen from about 44 percent approve/51 percent disapprove on Labor Day 2011 to an even 47/47 today. Perhaps it will sink back down over the next seven months. Or perhaps not. The economy may continue to get a bit better, foreign policy disasters may not manifest themselves over the next seven months, and Obama may be a good enough candidate to rewrite the history of his first term and get to the crucial 50 percent level.

What's more, a Republican campaign that is mostly backward-looking sniping at the Obama first term won't do much to portray Republicans in a good light. On Labor Day, Obama and Mitt Romney were just about tied around 45 percent in ballot tests. Now Obama leads by about 48 percent to 43. Perhaps that's just the damage done by the primary campaign. But what if it's the result of getting to know the candidates better? What's more, as the general election campaign heats up, swing voters may decide Obama's more radical inclinations in a second term would be checked by a Republican House and a Supreme Court

that isn't on Obama's side—and be reassured enough to return the incumbent for four more years.

That is, after all, what voters usually do (e.g., 1984, 1996, and 2004). A conventional, cautious, backward-looking GOP effort against President Obama is as likely to produce a close reelection for the president as a close defeat. The

two recent occasions on which an incumbent has been defeated were in 1980 and 1992. But the country isn't going to be in manifest meltdown, at home or abroad, as it was on Election Day 1980. And Obama's only been in office four years; there isn't yet the kind of exhaustion after 12 years of Reagan and Bush that marked 1992. So Republicans would be making a mistake if they spent the fall simply assuming, or hoping, that the late break will be sharply against the incumbent, as in 1980, or that the incumbent's rally will fall short, as in 1992. Election Day this year could look more like 2004—a narrow victory for a not-too-popular but not-too-unpopular incumbent.



A future-oriented campaign is just the ticket.

That's especially the case if the GOP candidate runs a campaign like John Kerry's in 2004. Which is where the conventional wisdom among consultants is leading him. The campaign was backward-looking, biographical, and lacking in broad themes. Such campaigns degenerate into endless sniping about various misstatements and gaffes by both candidates, and put great emphasis on tactical moves and get-out-the-vote trench warfare in key states. And, to repeat: Obama could win such a campaign.

What's the alternative? A forward-looking campaign, more like Reagan's in 1980 and Clinton's in 1992. Reagan and Clinton didn't simply depend on unhappiness with the incumbent. They elaborated a different, and they claimed better, path ahead for the country.

Can the Republican nominee do this in 2012? Can he explain how an Obama second term would be even more dangerous and damaging than the Obama first term has been? Can he explain that we're heading off a cliff of debt and deficit if Obama's fiscal policies are allowed to con-

tinue? Can his campaign make vivid the harm Obama's tax hikes and regulations will do to the economy, and Obamacare to our health care system and our country? Can he explain what a second term of Obama judicial appointments will do to our courts? Can he explain the damage an Obama second term will do to self-government, and limited government, and constitutional government in America? Can he conduct a campaign that describes how much more dangerous the world might look in 2016 if we continue Obama's foreign and defense policies? Can the Republican campaign present a choice of paths for the future, à la Paul Ryan's budget and his explanation of it, rather than simply complain about the recent past and the difficult present?

Republicans will need to run a campaign that *explains*. Explanation—as opposed to denunciation of others, or celebration of self—hasn't much characterized the campaign of the likely Republican nominee, Mitt Romney, so far. But if Romney—assuming he's the nominee—can't lift his general election campaign above the level of the primary contest, he's likely to lose.

The good news is that Romney is capable of turning around an enterprise that's likely to fail. The bad news is that it's harder to turn one around if the failure isn't yet obvious. The irony is that a Romney victory in the primaries will then pose the ultimate test of his ability as a turn-around artist. We trust, for the sake of the country, that he'll be tough and determined and self-critical enough to do the job.

—William Kristol

Undoing Obamacare

A month before President Obama signed Obamacare into law, his secretary of health and human services, Kathleen Sebelius, said, "I think the president remains committed to the notion that we *have* to have a comprehensive approach, because the pieces of the puzzle are too closely tied to one another." She added, "Pieces of the puzzle are *necessarily* tied together if you have a comprehensive approach." You might say that Obamacare aspires to be like a finely tuned watch—though it is of course a clunky, clacking, often imprecise, congressionally assembled, \$2 trillion watch. But it's comprehensive.

Last week, the Supreme Court took up the constitutionality of one of Obamacare's moving parts. In oral argu-

ments on Tuesday, the central question was whether or not Obamacare's individual mandate—the requirement that essentially every American purchase government-approved health insurance under penalty of law—exceeds Congress's power to regulate interstate commerce. As broadly as the Court has construed that power for the past 70 years, it has never before sanctioned, nor has Congress ever before claimed, a power to *compel* commerce—a power to compel people to buy a product of the federal government's choosing as a condition of living in the United States.

So one question before the Court is whether to strike down the mandate. But another, addressed in oral arguments on Wednesday, is what on earth the Court should do with the rest of the behemoth legislation if it *does* strike down the mandate.

This is no simple matter. It's not immediately apparent what the principle of judicial restraint requires. The Court would have four basic options: strike down as little as possible (just the mandate); strike down as little as possible within reason (just the mandate and the "community rating" and "guaranteed issue" provisions, which even the Obama administration admits wouldn't work without the mandate); go through Obamacare piece by piece and strike down everything that appears somehow dependent on the mandate; or avoid that quasilegislativ role by voiding the whole act. Of these, only the third is clearly inconsistent with judicial restraint, but none of the four is clearly consistent with it.

The justices' questioning of counsel on this matter was fascinating. Just two minutes into the arguments, Justice Sonia Sotomayor asked: If "adjust[ing] some of the other provisions" were to prove necessary because the individual mandate was declared unconstitutional, "Why shouldn't we let Congress do that . . . ? What's wrong with leaving it to—in the hands of the people who should be fixing this, not us?"

Justice Elena Kagan asked, "Is half a loaf better than no loaf?" Answering her own question, she said that "on something like the exchanges, it seems to me a perfect example where half a loaf is better than no loaf. The exchanges will do something. . . . They [just] won't do everything that Congress envisioned."

Justice Ruth Bader Ginsburg maintained that "the more conservative approach would be [to] salvage [what's possible] rather than throwing out everything."

Paul Clement, representing the 26 states that are challenging Obamacare's constitutionality, responded that "the provisions that have constitutional difficulties or are tied at the hip to those provisions that have the constitutional difficulty are the very heart of this Act. And . . . if you look at how they are textually interconnected to the exchanges, which are then connected to the tax credits, which are also connected to the employer mandates, which [are] also connected to some of the revenue offsets, which [are] also connected to Medicaid, if you follow that through, what you

end up with at the end of that process is just sort of a hollow shell.” He added that Congress would not “have passed that hollow shell without the heart of the Act.”

Chief Justice John Roberts wasn’t so sure. Congress “would have passed parts of the hollow shell,” he said. “I mean, a lot of this is reauthorization of appropriations that have been reauthorized for the previous 5 or 10 years.”

Justice Anthony Kennedy asked, “I need to know what standard you are asking me to apply. Is it whether as a rational matter separate parts could still function, or does it focus on the intent of the Congress?”

Clement argued that the appropriate standard is a blend—“whether the statute can operate in the manner . . . that Congress intended.” He cited another statute that was partially voided by the Court, with the result that “for four decades Congress has tried to fix what’s left of the statute, largely unsuccessfully.”

A bit later, Justice Samuel Alito asked, “What would your fallback position be . . . ?”

Clement responded that the “important” thing is to strike down “the core provisions of the Act, which aren’t just the mandate, community rating, and guaranteed issue, but include the exchanges, the tax credit, [and the Act’s effect on] Medicare and Medicaid.”

After Clement stepped down and Edwin Kneeder had begun to make the case for the government, Justice Antonin Scalia said that “there is no way that this Court’s decision is not going to distort the congressional process. Whether we strike it all down or leave some of it in place, the congressional process will never be the same. One way or another, Congress is going to have to reconsider this, and why isn’t it better to have them reconsider it . . . in toto . . . ?”

Kneeder replied that the Court should strike down as little of the legislation as possible “as a matter of judicial restraint.”

Kennedy responded, “When you say ‘judicial restraint,’ you are echoing the earlier premise that it increases the judicial power if the judiciary strikes down other provisions of the Act. I suggest to you it might be quite the opposite. We would be exercising the judicial power if . . . one provision was stricken and the others remained to impose a risk on insurance companies that Congress had never intended. By reason of this Court, we would have a new regime that Congress did not provide for, did not consider.” Kennedy called this “a more extreme exercise of judicial power . . .

than striking the whole” and later “an awesome exercise of judicial power.”

Sotomayor asked Kneeder, “[W]hat should guide the Court’s discretion?”

Kneeder replied that the question “should be resolved by looking at the structure and the text of the Act” and “legislative history,” “to figure out what the text and structure mean . . .”

Scalia interrupted: “Mr. Kneeder, what happened to the Eighth Amendment? You really want us to go through these 2,700 pages? (Laughter.) And do you really expect the Court to do that? Or do you expect us to give this function

to our law clerks? (Laughter.) Is this not totally unrealistic, that we’re going to go through this enormous bill item by item and decide each one?”

Kneeder responded, “I think in this case there is an easy answer, and that is . . . that the Act itself creates a sharp dividing line between the minimum coverage provision—the package of—of reforms: the minimum coverage provision along with the guaranteed issue and community rating. That is one package that Congress deemed essential.”

But Roberts asked, “How do you know that? Where is this line? I looked through the whole Act; I didn’t [see it].”



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As this sampling of Wednesday’s arguments suggests, there is no clear, unproblematic path for the justices to follow. Whatever course they take (short of upholding the whole act, in which case they will be rightly accused of failing to do their duty), they will be accused of lacking judicial restraint.

But we shouldn’t miss the larger point here. The predicament in which the Court finds itself is plainly a product of President Obama and his party’s preference for massive, unwieldy, impossibly complicated legislation—the kind that you have to pass first to “find out what is in it.” Such legislation, as the oral arguments revealed, does not fit within our system of limited government. That’s because, as Charles Kesler has observed, Obamacare violates the basic notion of law in a free society. Kesler writes, “Sometimes the most obvious derangements of our politics are staring us in the face but we don’t see them”—like “calling this voluminous monstrosity a *bill*. Can you have a bill, a single law, that is almost 3,000 pages long? In the old days, that would have constituted a whole code of laws.”

In other words, it’s not just Obamacare that must go,

but rather the whole liberal and progressive notion of “comprehensive” legislation for a nation of 300 million people. Obamacare is the epitome of that confidence in central planning by experts. Whether the Court strikes down Obamacare, or President Obama is defeated and Obamacare is repealed, or the Court strikes down part of Obamacare and a new president and Congress repeal the rest, last week’s historic hearings have made one thing clearer than ever: Attempts at “comprehensive” legislation compromise the very notion of limited government, in which the people’s representatives try to accomplish attainable goals in a free society. Comprehensive legislation is what happens when you have unlimited government. It is that effort, and the attitude underlying it, that need to be repudiated—by the Court and, more important, by the voters this November.

—Jeffrey H. Anderson

A Lose-Lose Case

In his autobiography, Ronald Reagan recalled when Pat Brown, his opponent for California governor in 1966, put together a TV commercial in which he tells a group of small children, “I’m running against an actor, and you know who killed Abraham Lincoln, don’t you?” At that moment, Reagan wrote, “I knew he knew he was in trouble.”

Likewise last week when the White House abruptly began referring to the “individual mandate” in Obamacare as the “personal responsibility clause.” At that moment, we knew President Obama knew his health care law was in trouble.

Yet Democratic strategist James Carville insists a Supreme Court decision striking down the mandate for everyone to buy health insurance, and perhaps the rest of the 2,700-page law, would work to Obama’s political advantage. Some Republicans fear Carville is right.

If ever a fear has been unfounded, it’s that one. The idea is that an albatross would be lifted from Obama and he would be freed in his bid for reelection from attachment to the most unpopular program enacted during his presidency. Republicans, in turn, would be denied their biggest and best anti-Obama talking point.

This is pure political hoey. If Obamacare falls, it will be a devastating rebuke to the president. The crown jewel of his presidency will have been repudiated as unconstitutional.

His pretensions of uniquely knowing how to get things done in Washington will be shattered. Obama will be a diminished political figure. He will become a lesser president, far from the top ranks where he has envisioned himself.

The opposite is true if the Court upholds Obamacare. Obama will be able to crow that he has succeeded where presidents over the past century failed. He has brought about universal health care coverage. He has counseled hope and brought about change. Republicans will be demoralized.

Assuming Obamacare is voided, Republicans will still have plenty to say about health care. They can remind voters of the promises Obama made about his plan that were false. Everyone could keep his current health insurance and doctor. Premiums would drop. Obamacare would save money and reduce the deficit. Anything underwriting abortions would not be funded. All untrue.

Nor will bureaucrats in Washington have a stranglehold on the health care system if the Obama plan is struck down. We’ve already seen bureaucrats in action with Obamacare only minimally implemented. The Department of Health and Human Services mandated that insurance policies provide contraceptives and the morning-after pill for free, no co-pay required—a political move given that pregnancy isn’t a disease and similar favoritism hasn’t been shown to illness-curing medicine.

And with Obamacare gone, a threat to individual



A rebuke from the justices would be politically damaging to Obama.

liberty will have been turned away. Never in more than two centuries of democratic government in America had individuals been told they must buy something or else. Without Obamacare, the vast majority of Americans will still buy health insurance or get it through their employers, Medicare, or Medicaid. But they won’t be forced to.

The easiest thing for Republicans to turn aside will be enraged Democrats and their allies in the media. The mere possibility the Supreme Court’s conservative wing plus Justice Anthony Kennedy would rule against Obamacare, 5-4, has thrown liberals and the left into a tizzy. Should that occur, “conventional wisdom most likely will crystallize around a new narrative: The Supreme Court is all about

politics,” Jeffrey Rosen, a law professor at George Washington University, wrote in *Politico*.

Rosen is half right. Left-of-center opinion-mongers are likely to adopt that narrative and condemn the Court majority as motivated solely by political concerns. E.J. Dionne of the *Washington Post* is already flinging around phrases like “judicial dictatorship” and accusing conservative justices of acting like “an alternative legislature.” What about the four liberal justices, who appeared locked into upholding Obamacare from the start of oral arguments before the Court last week and showed little interest in whether it might be unconstitutional? Not a problem. They’d never “deliver ideology” the way Dionne says conservatives do.

We’ve seen this breathtaking double standard before. When conservatives join a liberal ruling, they’re applauded for rising above their political leanings. When they form a majority in a conservative decision, they’ve stooped to political hackery.

If Obamacare is invalidated, we’ll hear far worse. Chief Justice John Roberts will be blamed for letting politics reign on the Court. But hypocrisy this thick will crumble under its own weight. And if the Court does the right thing, America will be fully justified in rejoicing.

—Fred Barnes

Beware ‘Flexibility’

President Obama didn’t intend the world to hear him tell outgoing Russian president Dmitri Medvedev that he’d have “more flexibility” to accommodate the Kremlin’s concerns about missile defense and other issues after the election in November. But as his now infamous meeting with Medvedev in Seoul drew to a close on March 26, a hot microphone caught the president saying just that, adding: “On all these issues, but particularly missile defense, this can be solved, but it’s important for him”—by which he meant incoming Russian president Vladimir Putin—“to give me space.”

In the days that followed, congressmen and commentators rightly wondered on what other critical issues the president might show “more flexibility” if he were to win a second term. Might the president offer concessions to Iran rather than stand firm in his insistence that a nuclear Iran is unacceptable? Might he accelerate the withdrawal of U.S. forces from Afghanistan and go to

greater lengths to reach a peace agreement with the Taliban? Might he once again pressure the Israeli government on settlements and more once he was safely beyond his reelection?

The president’s inadvertently public comment raises serious questions about a possible gulf between his administration’s public statements and his actual views on foreign policy. But what do the president’s comments mean for missile defense and nuclear weapons—the subject that the two leaders were actually discussing?

President Obama’s hostility to ballistic missile defense is well documented. In 2001, he said on a Chicago television show, “I don’t agree with a missile defense system.” During the 2008 presidential campaign, he declared, “I will cut investments in unproven missile defense systems.”

Even so, he stunned lawmakers and allies in September 2009 when he announced his decision to scrap President George W. Bush’s plans to establish missile defense sites in Poland and the Czech Republic capable of protecting the United States and Europe from ballistic missile attacks from Iran. This action damaged U.S. credibility in the region and was widely seen as a sop to the Russians in an effort to get Moscow to compromise on further nuclear arms reductions.

Although the Obama administration has moved to replace the Bush sites with a system using different technology to protect against short- and medium-range missile threats from Iran, Moscow remains opposed, and Obama’s friends in the arms control community have relentlessly pressed him to abandon those efforts, too.

More recently, the president has reneged on his promise to support funding to modernize America’s aging nuclear arsenal and supporting facilities—a pledge that he made to lawmakers during Senate debate over the controversial New Strategic Arms Reduction Treaty (New START) with Russia in December 2010.

Moreover, while the New START treaty limits the United States to 1,550 deployed strategic nuclear warheads, there are now reports that the president has directed the Pentagon to study the option of aggressively, and perhaps unilaterally, reducing America’s nuclear deterrent by up to 80 percent—down to as few as 300 deployed strategic warheads. In the meantime, Russia, China, Pakistan, and other nuclear-armed nations are ramping up their efforts to modernize—and, in many cases, expand—their nuclear arsenals.

Which brings us back to missile defense. The United States has repeatedly assured Russia that the emerging missile defense system is aimed at Iran and not at Russia’s capabilities. Yet Russia continues to insist that it is alarmed by U.S. efforts. And instead of standing firm, senior Obama administration officials talk of the need to come up with more concessions to Russia in an effort to “build trust.”

This is in line with a Russia policy that has been characterized by an interest in doing whatever it takes to avoid

conflict with Moscow, even if it means overlooking various and nefarious Russian activities around the world, as well as abuses by the Putin-Medvedev regime at home.

Therein lies the danger of a second Obama term for missile defense and the U.S. nuclear stockpile. They stand in the way of the supposed promise of the “reset” with Russia and of Obama’s fanciful vision of a world without nuclear weapons.

The microphone mishap suggests that President Obama has not been sobered by hard experience during his first term. He has put some of his dangerous dreams on hold—until his reelection. After that, watch out. At least we can now say that, if he is reelected, we were warned—inadvertently—by what he was caught saying, on a hot microphone, to President Medvedev.

—*Jamie M. Fly & Robert Zarate*

Ryan vs. Dempsey

Joint Chiefs of Staff chairman Gen. Martin Dempsey is getting an appetite for political controversy.

Earlier this week he offered up a “clarification” of his analysis of the effects of “sequestration,” the automatic spending cuts called for under the Budget Control Act that threaten to slash defense by another \$500 to \$600 billion over 10 years. Where he had originally asserted that the United States would no longer be a global power, what Dempsey *meant* to say was that “we wouldn’t be the global power that we know ourselves to be today.” The problem, quite clearly, was not that the chairman’s meaning was imprecise, but that his original statement had become a politically salient argument against sequestration—making life difficult for President Obama, who has said he would veto any sequestration-lifting legislation that didn’t include tax increases.

But now Dempsey’s Irish has provoked a public confrontation with Rep. Paul Ryan, head of the House Budget Committee. At a *National Journal* forum on the federal budget, Ryan expressed the doubts of many in Congress when he said, “We don’t think the generals are giving us their true advice” when it comes to the geopolitical and military risks associated with the defense budget. Given that, even before sequestration, the Obama administration’s 2013 budget takes \$487 billion out of defense spending and reduces the Army and Marine Corps by 100,000, yet avers that this same stretched force can continue to do

whatever it’s asked to do, Ryan’s skepticism is both warranted and actually expressed with gentle deference.

Dempsey has chosen, however, to take offense, claiming that Ryan was “calling us, collectively, liars.” In response to the charge that the administration’s defense plans were budget-driven, Dempsey went all in: “I stand by my testimony. This was very much a strategy-driven process to which we mapped the budget.”

Dempsey’s claim of purity and virtue would be more credible if the Budget Control Act hadn’t become law several months before the Pentagon’s strategy review. And if President Obama hadn’t completely surprised then-Defense Secretary Robert Gates last April with the announcement of his intention to cut defense spending another \$400 billion—on top of a previous cut of \$400 billion made by the administration—without a hint that a strategic review of the implications should come first. And if the commander in chief’s January “defense guidance” hadn’t begun with the injunction to “put our fiscal house in order here at home.”

And, finally, Dempsey would be more persuasive if he hadn’t admitted in his confirmation testimony—also last April—that “we’ve got a task to try to keep strategy running parallel with resources decisions.” Following up, Sen. John McCain translated: “So we have announced cuts without the commensurate strategy to go along with it?” Answered Dempsey: “Well, Senator, what I would describe is we’ve announced a target and we’re trying to determine what the impact would be. . . .” McCain: “In most cases that I’ve seen, the strategy has been developed and then the budget for it is arrived at, not the other way around.”

By barking so loudly and so readily in justification of administration policy, Gen. Dempsey will only raise suspicions about the politicization of the senior ranks of the military—not tamp them down. The danger is that Dempsey’s zeal will undercut the cause of military professionalism.

Civil-military tensions have run high in the Obama years, and the president has been willing to overrule his generals when he feels the need, most notably contravening the Afghanistan recommendations of Gen. David Petraeus, whom the White House famously feared for his alleged political ambitions. Whatever one thinks about the strategic wisdom of the president’s decisions concerning Afghanistan, you have to give Obama credit for courage: The decisions were unmistakably his. Ryan’s comments did not need to spark confrontation; civil-military norms extend to the legislative as well as the executive branch.

The service chiefs, in particular, have a legal obligation to render their best military judgment and advice to Congress. This is even truer when it comes to budgets, which draw on the unique perspective of the chiefs as the long-term uniformed stewards of the military services, while Congress plays an analogous role for civilian government. This demands not only civility but credibility.

—*Thomas Donnelly & Gary Schmitt*

Only in New York

The battle of the Park Slope Food Coop.

BY ZACK MUNSON



Brooklyn
Do you know what your grocery store thinks about the Israeli-Palestinian conflict? Do you care? If you don't, you're probably not a member of the Park Slope Food Coop, located in a yuppie-hipster (yipster?) enclave in western Brooklyn. Coop members do care: For more than three years there has been a fierce debate about whether the member-owned-and-operated grocery should boycott Israeli products. At the coop's monthly general meeting on March 27, members took a vote to decide the issue. Or, rather, to decide whether to send a ballot to the entire membership to decide the issue. (Cooperation requires a lot of voting.)

If this doesn't sound like a debate you're likely to hear between baggers at the local Food Lion as they pack

your Go-Gurt and Cheetos and Clorox into doubled up, nonbiodegradable plastic bags, well, it's not; the Park Slope coop doesn't carry any of those products or allow the use of plastic bags. Founded in 1973 by "a small group of committed neighbors who wanted to make healthy, affordable food available to everyone who wanted it," the coop now has about 16,000 members who supply free labor (2 hours and 45 minutes a month each) to help keep costs down. And they need the help; the coop's inventory reads like a bible of showy, overpriced, urban conscientiousness: "pasture-raised" this, "fair-traded" that, "free-range" whatever, "environmentally safe" blah blah blah. But it's not just a great place to consume conspicuously and work part time. The coop also hosts seminars, including courses on Esperanto and "How to Lighten Your Final Carbon Footprint" (wicker casket, shallow grave,

according to the flier). Maggie Gyllenhaal shops there. So does Sapphire, author of the novel *Push*, on which the movie *Precious* was based. Food Lion it ain't, and its members would likely be offended by the comparison.

Indeed, being offended is a defining characteristic of the coop's membership. While we fat, happy, complacent boobs have been mindlessly enriching the exploitative, for-profit supermarket chains that anchor strip malls across our ecologically devastated nation, the Park Slope Food Coop has been using its "buying power to support food, social and environmental justice." Since its founding, the coop has boycotted South African products (because of apartheid), Chilean grapes (Pinochet), Coca-Cola ("labor practices and possible criminal acts"), and Nestlé (promoting formula over breastfeeding), just to name a few.

But unlike those boycotts, for which there was near-unanimous

Zack Munson is an editorial assistant at THE WEEKLY STANDARD.

GARY LOCKE

support, the Israel issue has made members, well, uncooperative. The subject first came up in January 2009, when a member named Hima B. asked whether the coop carried Israeli products. It does; six to be exact: seltzer makers, organic paprika, Israeli couscous, tapenade, organic yellow peppers, and vegan marshmallows (doubtless a hit with the babyccino-sipping toddlers of Park Slope). Hima suggested banning them, and what ensued would bestir the hearts of underemployed activists the world over: the mother of all letter-writing campaigns.

Yes, letters. Letters to the editor of the coop's biweekly newspaper, the *Linewaiters' Gazette*. The issue published immediately after the January 2009 general meeting featured two brief statements of support for the boycott. The issue after that featured two statements against, and so began that vicious cycle with which all who follow the Israeli-Palestinian conflict are familiar. For three years, an intifada of words has raged in the *Linewaiters' pages*.

The letters are pretty much what one would expect, you know, if one expected a foreign policy debate to break out at a grocery store in a liberal neighborhood with a lot of Jews. Many condemn Israeli "apartheid" and call for ending the "occupation"; many defend Israel staunchly as the region's only democracy and call attention to the violence of Hamas. And some, of course, display the hysterical tone that Israel generates among certain, um, activists. As one member noted, "Unfortunately, it is impossible for the Coop to maintain a neutral stance in relation to Israel" because buying Israeli goods "makes all Coop members complicit in the commission of human rights abuses and violations of international law." Wrote another, "I almost wish I weren't a Jew because the Jews have become insane." One offered that Israeli boycotts were supported by such eminent foreign policy thinkers as Meg Ryan and Kareem Abdul-Jabbar. Still another declared, "As Howard Zinn once said," at which point I stopped reading.

Over the course of three years, the advocates and opponents of the boycott organized themselves into more official forms of advocacy and opposition. The wannabe-boycotters aligned themselves with the international anti-Israel movement Boycott, Divestment and Sanctions (BDS) and established the Park Slope Food Coop Members for Boycott, Divestment and Sanctions (PSFC BDS for short). PSFC BDS launched a website in July 2011, offering information on Israeli human rights abuses, statements of support from like-minded organizations, and information on such events as a recent seminar entitled "Food Justice & Ecological Damage in Israel/Palestine." Their homepage declares that they "are members of the Park Slope Food Coop (PSFC) who affirm . . . that the coop as a community stands for human rights, food justice and positive global interdependence" before making the dubious assertion, "We are like you."

On the other side stands the anti-boycott group More Hummus, Please, started by longtime coop member Barbara Mazor in the spring of 2011. "We joined the coop for the food. We didn't join to have our politics decided for us," their website explains. Or, as she put it to me, "We didn't want BDS, because then we'd have to deal with reporters." (Sorry, Barbara.) Mazor is a staunch supporter of Israel and believes that simply holding a referendum on the boycott is tantamount to "endorsing the position that Jews are not a national group and are not entitled to self-determination." As she wrote in the initial blog post on the More Hummus, Please website, "BDS is Bigotry. Dishonesty. Anti-Semitism."

While these two groups have had at it, many coop members, it appears, have focused on the bigger picture: "What about the quinoa?" In a recent *Linewaiters'* editorial, Joe Holtz, a cofounder of the coop, urged members to return to their founding principles:

The International Cooperative Alliance Statement on Cooperative Identity states clearly that coops are not

organized for the purpose of taking political positions. . . . Members do not expect the Coop to weigh in on whether or not social security should be privatized or what to do about the war in Afghanistan.

Many members oppose the referendum not necessarily out of sympathy for Israel, but out of a desire to keep the coop from tearing itself apart over the issue. And it would be a real tragedy if the coop did tear itself apart because the store is . . . well, I don't really know what it's like. They wouldn't let a nonmember like me inside. But I'm sure it's great.

None of these protestations stopped PSFC BDS from pushing forward. In July 2011, they submitted the boycott referendum as an official agenda item. After a few more months of letter writing and blogging, the March 27 vote on whether to vote was set.

The general meeting is usually held in a Park Slope synagogue, but this time the coop is expecting far more than the 300 or so members who usually show up. So the meeting has been moved to Brooklyn Tech High School in adjacent Fort Greene, and it's a good thing, too: Standing outside Brooklyn Tech about 45 minutes before the meeting, the line to get in already stretches the length of a full city block. And plenty of nonmembers are there to voice their solidarity with one side or another. The BDSers stand outside the entrance with signs and pamphlets, and right next to them is a group from Negev Nectars, an Israeli food company, handing out free samples of the wares they hope one day to sell in the coop. The three news trucks (NY1, WPIX, and FOX5), the reporters, the photographers, students shooting a film—it all seems like overkill. But then again, I'm here.

The line stretches all the way down one block, around a corner, all the way down *that* block, and around a corner again, with members filing in very slowly. There are a few coop volunteers in crossing-guard vests, making sure only members get in,

imparting instructions on how to sign in and prove one's identity once inside. Most of the linewaiters bear the delay and the standing and the cold in good cheer. Inspired by all this cooperation, and forgetting the nature of the crowd, I light up a cigarette. Immediately a woman on line about 10 feet away begins to glare. She tells me I should go smoke "half a block down." A fellow smoker, one of the BDSers, shoots me a sympathetic look. "This is America, right?" I ask him. "Well," he shrugs, "this is New York."

By 8 P.M., an hour after the meeting was supposed to start, the line still stretches for two blocks. Even with a thousand people still outside, the meeting has in fact begun, according to a member who volunteered to text me from inside. As the meeting progresses he reports that it is . . . relatively uneventful. There is a push to ban applause at one point and replace it with "twinkling" (jazz hands). There's some yelling about Gaza. There's a guy who briefly refuses to yield the floor, and a legal injunction to refrain from taking videos or tweeting (not texting, thankfully). He tells me it's mostly civil: People make their cases, no fights break out, nobody walks out in a fury, everybody casts their ballot in peace. And then about half leave immediately after voting without waiting to hear the result.

As people stream out, nobody is particularly on edge about the outcome. There is no bickering on the street, no violent scenes for the TV crews to capture. People are laughing and smiling, unlocking the dozens of bikes chained to the iron gate around the school or walking off into the brisk Brooklyn evening . . . Well, what'd you expect? *They* don't live in Gaza. They have babysitters to pay.

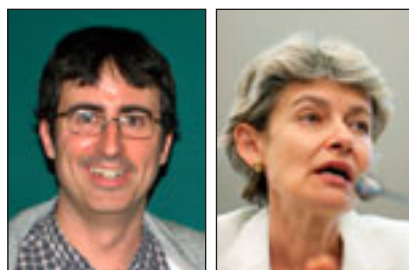
The result of the vote was "No," by a margin of 1,005 to 653. No to holding a referendum on joining the Boycott, Divestment and Sanctions movement, no to banning Israeli goods, no to grocery store foreign policy. I guess sometimes reason does prevail, even in a place that sells vegan marshmallows. ♦

UNESCO Funny Business

Annals of a dishonest PR campaign.

BY CLAUDIA ROSETT

Surely Comedy Central's *The Daily Show* meant well when it sent comedian John Oliver all the way to Africa to file a report savaging the United States for defunding the United Nations Educational, Scientific and Cultural Organization. Describing UNESCO as "an organization that helps people in need all over the world," Oliver lampooned U.S.



John Oliver, Irina Bokova

policy: "We had absolutely no choice but to cut off funding for tsunami victims and starving, drought-ridden African children."

Having learned that the little West African country of Gabon had pledged \$2 million to help make up for the more than \$78 million per year America has stopped paying, Oliver flew to Gabon to investigate. There, he staged a series of skits, snatching books from children and berating the presidential press secretary because "little countries like America" are "tired of being pushed around by international heavyweights like Gabon."

"We gave from the heart," said the presidential aide. "That," said Oliver,

Claudia Rosett is a journalist-in-residence with the Foundation for Defense of Democracies, heads its Investigative Reporting Project, and blogs at PJMedia.com.

"is why you can't have books anymore."

The *Atlantic* hailed the piece as a paragon of do-good satire, and indeed it is funny—if you know nothing about UNESCO, or Gabon.

UNESCO lost U.S. financial support through its own actions. Last fall, when the Palestinian Authority made its unsuccessful bid for statehood at the U.N. Security Council, it also applied to the U.N.'s Paris-based cultural organization. Over U.S. objections, UNESCO's member states voted 107 to 14, with 52 abstentions, to grant the PA full membership. This decision set in motion a U.S. law that forbids the government from funding any part of the U.N. that tries to confer statehood on the Palestinians before they honor their promises to negotiate peace with Israel. The Obama administration had no choice but to stop the funding, which represented 22 percent of UNESCO's budget.

UNESCO's director general, Irina Bokova, wants America's money back. But rather than try to persuade UNESCO's members to undo their admission of "Palestine," Bokova has been pouring extravagant effort into persuading America to undo its law. Twice in the past six months, Bokova has traveled to the United States, most recently last month, with four UNESCO staffers in tow, for a 12-day road show with stops in Washington, Philadelphia, Miami, Chicago, San Francisco, and Los Angeles.

Self-promotion seems to be the name of the game at UNESCO these days, and winning airtime on Comedy Central represents a major PR coup. And there are other initiatives underway as well.

To supplement at least a dozen

employees already based in UNESCO's liaison office at the U.N.'s headquarters in New York, Bokova has now created a Washington liaison. For this slot, she tapped George Papagiannis, a former communications director for Rep. Nancy Pelosi. He and Bokova have been spoon-feeding the media with talking points that depict UNESCO as the world's prime guardian of such worthy causes as Holocaust education, tsunami-warning systems, and literacy programs. In UNESCO's narrative, the U.S. legislation now inconveniencing UNESCO is "outdated."

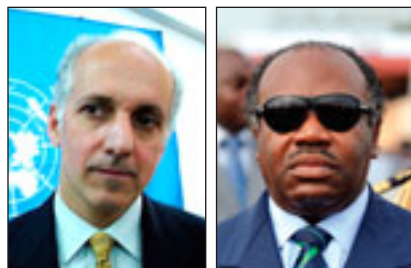
In fact, what's obsolete is the notion that American interests are well served by a wastrel, despot-friendly organization that, for instance, just reaffirmed its decision to seat Syria on its human rights committee. The 59-year-old Moscow-educated Bokova began her U.N. career as an attaché of the Bulgarian mission in New York during the Cold War. The U.S. government welcomed her election as director general in 2009 chiefly because the rival candidate was Egypt's minister of culture Farouk Hosny, an anti-Semite who favored burning Israeli books.

Far from helping the world's neediest, UNESCO's top priority is helping itself. The Heritage Foundation's Brett Schaefer calculates that 87 percent of UNESCO's \$326 million budget last year was allocated for its own staff, travel, and operating costs. More than half of UNESCO's staffers are based in Paris, many pulling in tax-exempt six-figure salaries, with plush benefits and 30 days of vacation per year. UNESCO's auditors reported that on travel costs alone, the organization was squandering more than \$3 million annually via bad management and a taste for business-class airline tickets. A program of financial disclosure by senior UNESCO officials has been mysteriously delayed.

To its credit, UNESCO does have an Ethics Office, which in its 2009-2010 annual report bluntly noted "a failure by employees at all levels to take responsibility for their work." That's no surprise, given the findings in the same report that many of UNESCO's employees don't know what they are

supposed to be doing. The Ethics Office further reported receiving "more and more complaints" about UNESCO employees "inappropriately using their diplomatic immunity" to show "non-respect of private legal and financial obligations." In other words, they were abusing U.N. privileges to break local laws.

Then there's the case of UNESCO's model donor as featured on Comedy Central, poor little Gabon. The UNESCO official shown on camera touting Gabon's largesse is Bokova's new Washington flack, Papagiannis. Apparently he neglected to mention to Comedy Central's intrepid reporter that little Gabon is the ninth-largest oil producer in Africa. Gabon's 1.5 million citizens are poor not because the United States has been snatching their books or defunding UNESCO,



George Papagiannis, Ali Bongo Ondimba

but because Gabon has been plundered for more than 40 years by the family of President Ali Bongo Ondimba—the same fellow who showed his support for UNESCO after its Palestinian vote by pledging \$2 million from Gabon. At that UNESCO gathering last fall, Bongo shared the Gabon model of development at a UNESCO Leaders' Forum and won a four-year seat for his government on UNESCO's 58-member executive board.

A 2010 report from the Senate's Permanent Subcommittee on Investigations, "Keeping Foreign Corruption Out of the United States," offers useful background on Gabon's ruling dynasty. The report cites Freedom House's accounts of torture in Gabonese jails, restrictions on free speech, and "decades of autocratic and corrupt rule." Gabon's current President Bongo is the son of Omar Bongo,

who was president of Gabon for more than 40 years, until his death in 2009. Senator Carl Levin, presiding over the release of the Senate report, said that both Bongos were "notorious for accumulating massive wealth while in office in a country known for poverty." One Gabonese civic group wrote UNESCO's Bokova, asking her to refuse the \$2 million pledge, because the pauperized people of Gabon need the money more.

UNESCO fields an office in Gabon, but however photogenic its capers on Comedy Central, UNESCO's auditors have been unimpressed with its performance. Last December they reported that the Gabon office "manages a very low level of programme activities," and that the controls over its \$1.4 million annual budget are "weak." The auditors suggested it would help to train the staff, keep an eye on the financial contracts, and prenumber the petty cash receipts.

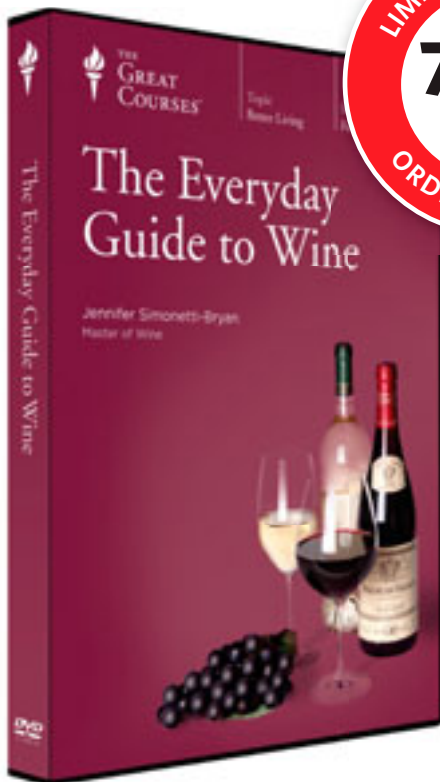
Unfortunately, the Gabon account is characteristic of UNESCO mismanagement. But rather than get her house in order, Bokova sweeps the organization's pathetic track record under the rug and warns what kind of programs and projects might suffer if the United States doesn't start paying again.

One she's particularly vocal about is the Holocaust education program, which she suggests might vanish without American money. In fact, the lone full-time staff member on this project is paid out of a donation from Israel, which also kicked in a large chunk of the \$536,000 collected in recent years for projects related to this program. UNESCO's annual contribution comes to a niggardly \$215,000, which Bokova could scrape together simply by abandoning her plans for a Washington liaison.

More to the point, it's curious that Bokova should underscore the significance of this particular program. After all, UNESCO's budget problems stem from its decision to seat the Palestinian Authority—whose Observer Mission logo features a map from which Israel has been erased.

Comedy Central's satirists missed the real story here—UNESCO itself. ♦

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High Culture's Paladin

Hilton Kramer, 1928-2012.

BY PHILIP TERZIAN

It would be tempting to describe Hilton Kramer, who died last week at 84, as the last of his breed, his kind: the cultural mandarin who, perched near the top of the totem pole, issued pronouncements on arts and letters with the confidence and erudition of, say, an Edmund Wilson or John Ruskin.

But that would not be quite accurate. Kramer was, indeed, a late survivor of the postwar generation of public intellectuals—critics and essayists and the occasional academic—who came of age with America's superpower status, when the cultural capital moved from Europe to New York. He made his mark in the early 1950s with an attack on the Marxist art critic Harold Rosenberg, which was published in Philip Rahv's *Partisan Review*. He was an early and ardent champion of the New York School of Abstract Expressionism and, as a *New York Times* art critic during the late 1960s and '70s, a defender of aesthetic values in art during a cultural dark age. As founding editor of the *New Criterion* he fought, for two decades or more, what appeared to be a rearguard action against the debasement and politicization of high culture in America.

All that is true, and all of it describes the kind of critic of the arts who, removed from the trenches and confusion of the marketplace, takes a stand

from the comfort of his easy chair. But that is only partly a description of Hilton Kramer. The writer who, under the tutelage of Clement Greenberg, succeeded him as the most important art critic of his day was a participant as well as an observer, a combatant as well as chronicler, and the kind of critic who sees in the wider culture

those fundamental values (or lack of values) in the society he inhabits.

In that sense, the significance of Kramer's move in 1982 from the *New York Times* to the *New Criterion* cannot be overstated. As anyone at the *Times* will attest, a critic's sinecure there is an open invitation to omnipotence: Kramer was not only the country's most distinguished

commentator on art, he was, *ex officio*, its most powerful arbiter as well. To have walked away voluntarily, and constructed a home in a new, untried monthly founded in the image of T. S. Eliot's brief experiment in cultural journalism—"in the forefront both of championing what is best and most humanely vital in our cultural inheritance and in exposing what is mendacious, corrosive, and spurious"—Kramer took a decisive leap into the unknown.

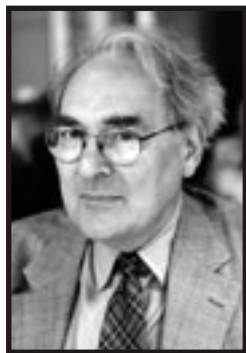
And decisive is the operative word. By the late 1970s, it is safe to say in retrospect, there was a dangerous crisis of the spirit in American life, reflected in both politics and the arts. The prolonged and ultimately disastrous Vietnam war, combined with the urban upheavals of the 1960s, had gravely

damaged the social and political fabric. The twin specters of nihilism and Marxism hovered over the culture. Faith in the fundamental health and integrity of the American experiment was at a low ebb; the art and music and aesthetics of the times reflected an incipient sickness and self-loathing.

By 1982 there were furtive signs of political recovery, but the excesses of the previous two decades still blighted the arts and humanities. The great institutions of American cultural life—museums, universities, professional associations, and journals—had been infected with Marxist notions of politics and materialism. The aesthetic distinctions that had always mattered in the arts were suddenly suspect. Into this breach rode Hilton Kramer. Fearless, just, indefatigable, but above all devoted to the highest principles of art and intellectual distinction, he surveyed the wounded landscape in the pages of the *New Criterion* and never hesitated to exhort his countrymen—whether individual artists or their patrons or their government—to return to first principles, and rediscover the sublime and enduring qualities of Art.

And he did it, by the way, with a unique combination of vigor and good humor, of harsh excoriation and bemused indulgence, which always served to separate him from most critics of the culture. But did he succeed? It is difficult to say. Some of those infections that he identified and lamented—the overestimation of popular culture, the invasion of politics into fine art and connoisseurship—remain chronic, and the "culture wars" in which he enlisted are still being fought.

Yet it may also be said that, having taken up arms, Kramer deserves credit for the extent to which the corrosion has retreated, and the principles he championed are acknowledged as part of a larger conversation. Above all, by his conspicuous role in defining the norms and nature of American culture, Hilton Kramer affected his times for the better, and his thoughts are now cemented in a permanent foundation. ♦



Hilton Kramer

Philip Terzian is literary editor of THE WEEKLY STANDARD.

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Obamacare for the Financial Industry

The disastrous Dodd-Frank Act.

BY PETER J. WALLISON



Make no mistake: These are the guys to regulate our financial industry.

All the Republican presidential candidates have called for repeal of the Dodd-Frank Act. Foreign governments are sending delegations to Washington to complain about the act's Volcker Rule. Eighteen months after the legislation was signed into law, the president had to make a clearly unconstitutional recess appointment in order to get a director for the act's Consumer Financial Protection Bureau past near-unanimous GOP opposition in the Senate. In the midst of a housing depression, the entire private housing finance system has ground to a halt while waiting for the regulators to define something Dodd and Frank called the Qualified

Residential Mortgage. Yet none of these consequential events has moved discussion of the Dodd-Frank Act from the business pages to the front pages, or warranted more than a mention on the evening news. As a result, most Americans have no idea how radical this legislation really is.

The best way to understand the Dodd-Frank Act is to think of it as Obamacare for the financial industry. Like its health care counterpart, it leaves the members of the massive financial services industry as privately owned firms, but blankets them with so much regulation that they are no longer really independent operators. If the act is fully implemented, a U.S. industry once so aggressive and innovative that it came to dominate the world's financial markets will be reduced to a ward of the U.S.

government. The current controversies over the Volcker Rule and the Consumer Financial Protection Bureau, for all the attention they have drawn, are really minor matters compared with the overall structure and effect of the act. Indeed, its most significant elements are hardly discussed at all, even on the business pages.

Let's start with the Financial Stability Oversight Council (FSOC). Ever heard of that? It's a new agency made up of all the federal financial regulators—the SEC, the CFTC, the Comptroller of the Currency (regulator of national banks), the FDIC (regulator of most state-chartered banks and insurer of all banks), and of course the Federal Reserve (regulator of bank holding companies and soon-to-be regulator of the entire financial system)—to name just a few.

The chairman of this body is the secretary of the Treasury. Right away, this should raise red flags. The secretary, a top officer of every administration, has now been given authority, through the FSOC, over all the financial regulators. To put this in perspective, before Dodd-Frank, Treasury and White House staffs were forbidden to contact the independent regulatory agencies about policy matters, except under special circumstances, for fear of political interference—or the appearance of political interference—in matters of regulatory policy. Under Dodd-Frank, the council is also exempt from the Federal Advisory Committee Act, so its meetings are not open to the press or public.

In other words, longstanding policies that were intended to promote confidence in the independence of regulatory decision-making have now been wiped away by the act, which has in effect placed all the financial regulators under the direction of the Treasury secretary. This might be good or bad, depending on your view of how much power you think a president should wield, but the point is that this profound change in government policy was never seriously debated in Congress, and is largely unknown to the public.

And power there is. The council

Peter J. Wallison is Arthur F. Burns fellow in financial policy studies at the American Enterprise Institute.

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may designate any financial firm as a “systemically important financial institution” (SIFI) if in the council’s judgment its failure could cause “instability” in the U.S. economy. This applies to all financial firms—insurers, securities firms, finance companies, hedge funds, pension funds, perhaps even mutual funds and private equity firms, and of course banks. All banks and bank holding companies with assets of more than \$50 billion are designated as SIFIs in the act, but the designation of non-bank financial firms as SIFIs is left to the FSOC. Other than the \$50 billion threshold for banks, there are no numerical or empirically discernible standards for this decision. The FSOC has put out draft regulations for comment that cite such things as “interconnectedness” as a factor in the designation, but how they are to be measured is left completely in the council’s discretion.

Designation as a SIFI could have profound effects on the future of the U.S. financial system. In effect, it is a statement by the government that any firm so designated is too big to fail. As we have seen before—with Fannie Mae and Freddie Mac, the largest banks, and the auto companies—if the government thinks the consequences of failure are unacceptable it will step in. The results of this policy are visible in the banking field, where the largest firms are acknowledged to be too big to fail and have been shown to have lower costs of funds than their smaller competitors. This is logical, since extending credit to a financial institution that is deemed too big to fail is bound to be safer than making the same loan to a competitor that is unlikely to receive government support. The lower cost of funds of Fannie and Freddie—a benefit derived from their government connections—enabled them to drive all competition from the sector of the housing finance market they were allowed to cover. Accordingly, if as expected the FSOC goes forward with its SIFI designations this year, the entire financial services industry will be set on a course toward

domination by a few large firms that have been chosen for special government attention.

The stakes associated with this designation are also enormous for the firms involved. A firm designated as a SIFI is then turned over to the Fed for what the act calls “stringent” regulation and supervision. The Fed’s authority is plenary, with the ability to control the firm’s leverage, liquidity, capital, and activities. This is truly unprecedented.

All of these large firms are in competition with one another, so the Fed has the power to pick winners and losers among business models. If the Fed declares, for example, that finance companies must hold more capital, it

One of the dangers here is a huge increase in what has come to be called ‘crony capitalism.’ Under Dodd-Frank an unwholesome partnership between the government and big finance is actually legislated.

will raise the costs of these firms in their competition with banks, and if the Fed waves its wand and decides that insurers must increase their liquidity, it will change their investment performance in comparison with mutual funds or pension funds. The Fed, in other words, has now been substituted for the market itself in allocating resources to competing industries.

One of the dangers here is a huge increase in what has come to be called “crony capitalism.” Under Dodd-Frank an unwholesome partnership between the government and big finance is actually legislated. This is especially worrisome in light of the Fed’s extraordinary cooperation with the Treasury during the last few years. Treasury policy and Fed policy have been virtually indistinguishable since 2008, and the Dodd-Frank Act tightens this alliance by placing the Fed chair under the direction of the Treasury secretary in the FSOC. The Fed’s

direct control over the day-to-day operations of the SIFIs it will supervise thus gives both the Treasury secretary and the Fed chair an opportunity to exert pressure on the largest financial firms for support of administration policy.

In the future, it will certainly be ill-advised for the head of a SIFI to express opposition to the Fed’s monetary policies, the Treasury’s tax policies, or the president’s trade policies; a Fed finding that the firm needs more capital could be the unfortunate result. Meanwhile, a SIFI’s willingness to endorse the administration’s policies in any area might earn it the opportunity to make a favorable acquisition or to count on Fed relief if it fails to meet regulatory standards.

Nor is the Treasury secretary’s power under the Dodd-Frank Act limited to control over SIFIs. *Any* financial firm is subject to seizure by the secretary if he believes that it is in danger of failure and that its failure will cause financial instability. If the firm objects, it can request a court hearing, but the hearing is secret (it’s even a crime to disclose it) and the court has a single day to make a decision. If the court does not act, the secretary can seize the firm and hand it over to the FDIC for liquidation. Needless to say, once that happens, the usefulness of further appeals is vitiated.

Does this sound like America? How can this have happened without most people knowing about it? The answer is found in Rahm Emanuel’s iconic remark, “You never want a serious crisis to go to waste.” The Dodd-Frank Act is over 800 pages in its enrolled version and was rushed through the Democratic Congress—with almost no Republican votes—in a little over a year from the time the Obama administration announced its plans. It is every bit the ideological sibling of Obamacare, and if it survives it will have as profound an effect on the future of the U.S. financial system as Obamacare will have on health care.

Unless the Dodd-Frank Act is repealed, the era of big government—if it was ever really over—will certainly be back. ♦

Animal Desires

Coming soon to a courtroom near you?

BY WESLEY J. SMITH

When People for the Ethical Treatment of Animals (PETA) sought a court ruling declaring SeaWorld's killer whales "slaves" under the 13th Amendment, the nation got a badly needed chuckle. PETA argued that because the amendment doesn't specify that its terms apply only to human beings—"Neither slavery nor involuntary servitude . . . shall exist within the United States"—then captive whales can be slaves too.

The case—*Tilikum, Katina, Corky, Kasatka, and Ulises, five orcas et al. v. SeaWorld*—was brought in the Ninth Circuit, where history shows anything can happen. But not this time. District Court judge Jeffrey T. Miller made short work of PETA's publicity stunt, ruling sensibly:

Both historic and contemporary sources reveal that the terms "slavery" and "involuntary servitude" refer only to persons. In 1864, the term "slavery" was defined as "[t]he condition of a slave; the state of entire subjection of one person to the will of another." . . . The clear language and historical context reveal that only human beings, or persons, are afforded the protection of the 13th Amendment.

In other words, since humans are, and animals aren't, persons, case dismissed!

But don't imagine the story will end there. For years, animal rights activists have been preparing the intellectual ground to overcome the "animals aren't persons" legal impediment to their goal of allowing animals to sue their owners—a concept known as "animal standing"—by which they plan to destroy animal industries and

Wesley J. Smith is a senior fellow at the Discovery Institute's Center on Human Exceptionalism and a consultant to the Center for Bioethics and Culture.

eventually end all domestication of animals. They know that no legislature will pass laws elevating even the most intelligent animals to the status of persons. So they plan to file multitudinous lawsuits, hoping judges will bootstrap animals into the moral community.

It has already started. The European Court of Human Rights agreed in 2008 to hear the appeal of an Austrian Supreme Court ruling denying personhood to a chimp. More such



Let my species go.

cases could soon be filed in the United States. Law professor and animal rights activist Steven Wise was quoted in the *New York Times* recently promising to file lawsuits starting in 2013 with the goal of using "the latest science to help persuade state court judges that such creatures as whales and chimpanzees should be accorded common law personhood and rights."

Wise runs the Nonhuman Rights Project, where, since 2007, he and 50 other activists have busily researched the most likely jurisdictions for a ruling that at least one animal "has the capacity to possess at least one legal right." It would be easy to roll one's eyes and dismiss this as simply what radical lawyers do, to little effect. That would be a mistake. "Animal personhood" has become a respected idea in philosophy, the life sciences, the academy generally, and among

some within the highly politicized science establishment.

Earlier this year, for example, the annual meeting of the American Association for the Advancement of Science hosted a panel supporting the Declaration of Rights for Cetaceans, which in the name of promoting "equal treatment of all persons" affirms that all whales and dolphins are persons possessing "the right to life, liberty, and wellbeing." The AAAS's promotional blurb argued that "whales and dolphins are capable of advanced cognitive abilities (such as problem solving, artificial 'language' comprehension, and complex social behavior)," purportedly providing a "scientific rationale" for supporting the declaration.

Nonhuman persons? On what basis? Animal rights lawyers claim that the precedent for expanding personhood beyond human beings was established when the United States legally recognized corporations as "artificial persons." But that is sophistry. These juridical entities may not be human beings, but they are *human associations*, and thus corporate personhood is still about *us*. Even though the left derided Republican presidential hopeful Mitt Romney for stating that "corporations are people," he was actually far more right than his detractors.

But forget logic. We live in ideologically antihuman times, and animal personhood furthers that agenda. Indeed, "breaking the species barrier" for personhood would open a new misanthropic chapter in human history, aiming us not only toward granting unwarranted rights to higher mammals—none of which understands the concept or is capable of respecting the rights of other animals or humans—but also to flora and fauna generally.

Again, don't laugh. "Nature rights" is already the law of Ecuador and Bolivia, and a proposal was made at Durban in November 2011 to include the "rights of nature" in the draft climate change treaty. Not only that, but Pittsburgh and Santa Monica and more than 20 other American municipalities have passed ordinances granting nature a quasi-right to life by recognizing "the rights of

DAVID R. TRIBBLE

people, natural communities, and ecosystems to exist, regenerate, and flourish.” And anyone who believes Mother Nature’s rights are being violated can sue on her behalf.

Then there is transhumanism—a neo-eugenic, futuristic social movement that is allied with animal rights in the effort to demolish human exceptionalism and extend legal personhood to non-*Homo sapiens*—in their case, to make room for forthcoming “posthumans” in the moral community. These will include machines that supposedly will achieve the indicia of personhood through self-evolving software, or shades of the popular science fiction TV program *Battlestar Galactica*, after posthumans upload their consciousnesses into cyborgs.

Sentient machines will almost surely never exist. But animal personhood is a real and present threat. Indeed, as Wise has written, it would only take one judge ambitious to make history to open the floodgates of litigation, first demanding inclusion of ever more animals in legal personhood, and from there, granting those animal persons standing to sue their owners for violations of their fundamental rights.

The lawyers who would take those cases are ready and waiting for the judicial go-ahead, their legal briefs already written. For years, professors have been busily training students in animal law courses and seminars at more than 100 of America’s top law schools, preparing an army of legal minds for the day they can represent whales, dolphins, chimps, elephants, pigs, and other animal “clients” in court.

Indeed, if animals are declared persons, PETA could have the last laugh helping whales petition for a writ of habeas corpus demanding their liberty from SeaWorld. In 2005, a Brazilian judge agreed to hear just such a petition on behalf of Suica, a chimpanzee, only to see the case mooted when the animal died before a decision had been rendered. “Criminal procedural law is not static,” the judge wrote in the order of dismissal, “rather [it is] subject to constant changes, and new decisions have to adapt to new times.” As Wise says, it only takes one. ♦

Nuclear Utopianism

The wishful thinking of U.S. arms control.

BY KEITH B. PAYNE



Who doesn't love a parade? Chinese nukes on display in Beijing.

George Kennan, the celebrated architect of U.S. Cold War doctrine, called arms control policy during the 1920s and 1930s a species of wishful thinking and a vapid distraction from the serious business of responding to the international threats that culminated in World War II. Contemporary U.S. arms control increasingly reflects the characteristics lamented by Kennan.

Today’s international threat conditions are explosive. Russian leaders state openly that America is Russia’s primary foe and that the development of nuclear weapons is Russia’s highest defense priority. Russia and China reportedly have extensive programs to improve and expand their nuclear forces. Both have cushioned Iran’s pursuit of nuclear weapons and

run interference for Syria’s murderous rampage against its own citizens. North Korea, now nuclear armed, continues its bellicose actions and rhetoric, while Iran threatens to annihilate Israel and to close down the Strait of Hormuz, through which 20 percent of the world’s oil transits. Nuclear-armed Pakistan swings precariously toward political instability, and several of America’s foes apparently possess biological weapons that, like nuclear weapons, are capable of causing catastrophic casualties. In this toxic atmosphere, frightened allies and friends in Asia and the Middle East wonder aloud about U.S. credibility and their possible need to go nuclear themselves.

Allied fears and potential interest in their own nuclear weapons should be no surprise. In response to today’s gathering storm clouds, the Obama administration openly states that movement toward nuclear zero, not U.S. deterrence capabilities, sits

Keith B. Payne, a former deputy assistant secretary of defense, is a professor and head of Missouri State University’s graduate department of defense and strategic studies.

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“atop” its “nuclear agenda,” and that the United States will reduce the role and the number of nuclear weapons in its arsenal. To this end, the White House is reviewing current U.S. nuclear force requirements to find additional and possibly unilateral U.S. nuclear reductions beyond those already effectively mandated by the 2010 New START treaty. Tasked to identify possibilities for further nuclear reductions, the Department of Defense reportedly has responded with options that include a further 80 percent cut in U.S. weapons—far below public accounts of Russian and even Chinese nuclear force levels.

This agenda appears to be part and parcel of an approach to arms control that places ever-greater limitations on U.S. nuclear deterrence strategies and embraces unilateral reductions. According to senior administration officials, the gesture of reducing the role of U.S. nuclear weapons is intended to provide an example that will encourage others, including North Korea, to give up nuclear weapons. The immediate, belligerent North Korean response to this U.S. gesture gives ample reason to conclude that it is naïve and risky. Why risky? To reduce U.S. reliance on nuclear weapons, the administration seeks to make the deterrence of nuclear attacks the “sole purpose” of our nuclear arsenal. This “sole purpose” policy may sound progressive, but it carries an inestimable risk: It would tell opponents that their use of chemical or biological weapons would be safe from the U.S. nuclear deterrent, despite the fact that no one knows if the United States can prevent devastating biological or chemical attacks without the benefit of nuclear deterrence. Administration assertions that nonnuclear deterrence will prevent such attacks can reflect nothing more than a hope.

Nevertheless, this “sole purpose” policy direction reportedly has led at least one senior U.S. intelligence official to observe that the Iranian acquisition of nuclear weapons could be a good thing because Iran then would be on an “even playing field” with

the United States. That is, the U.S. nuclear deterrent would apply to Iran under the administration’s preferred “sole purpose” policy if Iran has nuclear weapons, so we can find solace in Iran’s acquisition of nuclear arms. With the exception of the U.S. promotion of the 1928 Kellogg-Briand Pact to ban offensive warfare by international agreement, it is hard to find precedent for a more naïve view of the world.

Further, in its pursuit of arms control the administration has established rules for counting nuclear weapons that have little to do with the actual number of nuclear weapons,

The White House is reviewing U.S. nuclear force requirements to find additional and possibly unilateral U.S. nuclear reductions, beyond those from the New START treaty. The Department of Defense has responded with options that include a further 80 percent cut in U.S. weapons.

but do cloud the fact that the administration’s New START treaty effectively required only U.S. reductions. The administration’s frequent claim was that New START demanded 30 percent reductions in Russian nuclear forces. In fact, Russian officials happily state that New START demanded no Russian force reductions and that “during the negotiations the United States did not seek to eliminate, reduce, or limit any of [Russia’s] weapons or programs.” Russian officials also have stated openly that the number of Russian strategic nuclear forces in seven years should be 1,000 weapons above the putative New START ceiling of 1,550. Russia’s existing bomber force alone reportedly could legally carry 860 deployed strategic nuclear weapons above the treaty ceiling simply because they would not be

counted under the treaty. The use of such contrived counting rules facilitates false comfort with regard to the nuclear balance.

Another such practice is the distinction made between so-called tactical and strategic nuclear weapons. This distinction was established long ago, largely for arms control accounting purposes. Tactical weapons, deployed on a variety of short-range delivery vehicles, are nearly impossible to count and keep track of, while strategic weapons on longer-range systems, such as intercontinental ballistic missiles and heavy bombers, may be counted and tracked more easily—although there remain difficulties here as well.

This distinction between tactical and strategic is a convenient arms control artifice, but it contributes to a significant misunderstanding of the nuclear balance. U.S. officials claim with satisfaction that we maintain nuclear parity with Russia because the number of deployed strategic nuclear weapons is roughly the same. Yet Russia likely has thousands of tactical nuclear weapons that are not included in such an accounting, while the United States reportedly has hundreds—a 10:1 Russian advantage. Based on open sources, a comparison of total operationally available nuclear weapons that includes reported tactical nuclear weapons shows a Russian numeric advantage of at least 2:1. One may or may not care whether Russia has that advantage; but the claim of parity in deployed nuclear weapons should be recognized as a semantic game based on contrived counting rules.

U.S. arms control policy today appears to involve as much wishful thinking as those policies of the interwar period so rightly condemned by George Kennan. They warrant the same sharp critique: “The evil of these utopian enthusiasms was not only, or even primarily, the wasted time, the misplaced emphasis, the encouragement of false hopes. The evil lay primarily in the fact that these enthusiasms distracted our gaze from the real things that were happening.” ♦

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The Book That Drove Them Crazy

Allan Bloom's 'Closing of the American Mind' 25 years later

BY ANDREW FERGUSON

He had gone public with his ideas. He had written a book—difficult but popular—a spirited, intelligent, warlike book, and it had sold and was still selling in both hemispheres and on both sides of the equator. The thing had been done quickly but in real earnest: no cheap concessions, no popularizing, no mental monkey business, no apologetics, no patrician airs. . . . His intellect had made a millionaire of him. It's no small matter to become rich and famous by saying exactly what you think—to say it in your own words, without compromise.

—Ravelstein, by Saul Bellow

Bellow's Ravelstein is a thinly fictionalized Allan Bloom, caught at the peak of life, and rendered, so I'm told by Bloom's friends and students, with uncanny precision and ingenuity. We first see him dressed in a blue-and-white kimono, sashaying around the penthouse he's rented at the Hotel Crillon in the heart of Paris. His lover, a young man from Singapore named Nikki, lies asleep in bed. Bellow wants to impress upon the reader his subject's physicality. Abe Ravelstein's frame is long and angled and ungainly, but it's usually draped in \$5,000 suits. When he eats, you sense the pleasure with which he undertakes the task: "he was stoking his system," Bellow says, "and nourishing his ideas"; at dinner parties, hostesses are advised to place newspapers under his chair to gather the debris from his enthusiastic feeding. His baldness is "geological." He smokes constantly, twin spouts of tobacco smoke flowing dragon-like from his impressive nostrils. Bellow stresses the physicality at the beginning of the novel because it lends poignancy to the wasting at the end, when Ravelstein endures a tortured death from AIDS, as did Bloom. He was carried off in 1992, only eight years before Bellow sketched him as Ravelstein and five after he published the book that made him the most famous professor in the Western world.

Among much else, Bellow dramatizes the suddenness of

the wealth and fame that rained down on Bloom in the late 1980s. The cause, as Bellow says, was the publication of a warlike book. Twenty-five years later, the original publisher, Simon & Schuster, is celebrating its silver anniversary with a new edition of *The Closing of the American Mind: How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students*. Bloom's original text is introduced, as it was in 1987, with a foreword by Bellow, who back then took care to assure readers that his friend had written "a trustworthy résumé of the development of the higher mental life in the democratic U.S.A." And so it remains.

The course that Bloom's classic took on its way from the higher mental life to boffo box office is notable even among the endless eruptions and craterings of the American book business. Bloom adapted his proposal for *Closing* from an article he'd written in *National Review*. At Simon & Schuster the proposal was bought by one editor and midwived into print by another, with no more than modest expectations. The original title, *Souls Without Longing*, was lovely, everyone agreed, but also uncommercial, so it was changed and outfitted with one of those clanky, hyper-explanatory subtitles that were soon to be essential for non-fiction books. The first print run, in February 1987, numbered 10,000 copies.

By late spring it was selling 25,000 copies a week. It hit the bestseller list in April, reached number one by summertime, and stayed there for two and a half months. You saw people lugging it around on vacation, bumping in the bottom of the beach bag against the tanning oil and the extra pair of flipflops and the latest waterlogged paperback from Ken Follett. From the top of the bestseller list it beat back waves of challengers, including can't-miss product: celebrity memoirs, self-help books, and an authoritative guide to surviving the "coming depression of the nineties." In March of the following year *The Closing of the American Mind* was still a bestseller. By then nearly a million copies had been sold in the United States. Foreign sales were just as prodigious. The best minds in American publishing were boggled. Never in their experience had a book about Jean-Jacques Rousseau, Friedrich Nietzsche, and

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD. This essay is adapted from an afterword to the 25th anniversary edition of The Closing of the American Mind, being published this week by Simon & Schuster.

Martin Heidegger outsold memoirs by Patty Duke, Shirley MacLaine, and Sam Donaldson—combined.

Various attempts were made at the time to account for the runaway success. The nearest cause was a handful of spectacular early reviews. The daily reviewer in the *New York Times* compared the book to “electric-shock therapy”—a good thing among *Times* critics back then, apparently. “It commands one’s attention and concentrates one’s mind more effectively than any other book I can think of in the past five years.” (Cut, print, and blurb.) Similar praise, no less blurbable, came from *Time* and *Newsweek* and even the *Chronicle of Higher Education*. “A grand tour of the American mind,” said the *Washington Post Book World*.

But good reviews, even ecstatic reviews, aren’t sufficient to sell a book, as any number of highly praised authors you’ve never heard of would be happy to tell you. Something else was happening here, but no one knew what it was. James Atlas, in the *New York Times Magazine*, guessed that the book, with its readable summaries of Plato and Hegel, served as a kind of adult continuing education class: “Bloom appeals to the perennial student in so many of us.” Bloom’s editor at Simon & Schuster said the book tapped a large reservoir of underserved book buyers eager for intelligent discussion of profound issues. Louis Menand, then a literature professor at Princeton and CUNY, was rather more sardonic in the *New Republic*: “It gratifies our wish to think ill of our culture (a wish that is a permanent feature of modernity) without thinking ill of ourselves.”

Menand’s review was part of a second surge of notices, far more critical than the first. The Revenge of the Eggheads fell with a fury, and you couldn’t help but wonder what took them so long. In the *Wall Street Journal’s* review, a moonlighting Department of Education official named William Kristol noted how odd the early praise was, sociologically and politically, coming as it did from the “cultural establishment” that Bloom had fixed squarely in his crosshairs. “Many of the reviewers who have praised Mr. Bloom’s book,” Kristol wrote, “have not faced up to the consequences of Mr. Bloom’s ideas.” That delighted reviewer from the *Washington Post*, for example: He was

president of Oberlin College, a model of the kind of liberal-arts institution that had been destroyed, according to Bloom’s thesis, by a left-wing nihilism descended from the decadent *philosophes* of Europe. The president’s rave for the book, Kristol went on, “shows no indication that the institution over which he presides stands fundamentally indicted by it.” And not only this or that institution: Bloom was charging an entire generation of humanities professors with academic dereliction.

When they took the book as a personal affront they reacted accordingly. “Bad reviews are one thing,” James Atlas wrote. “The responses to Bloom’s book have been



Bloom in 1987

charged with a hostility that transcends the usual mean-spiritedness of reviewers.” Tactics differed. There were attacks on Bloom’s scholarship, his philosophical skill, and the evidence for his empirical claims. There were also sarcasm, invective, caricature, shaming, and, no less inevitably than now, accusations of elitism, racism, sexism, and homophobia. The most influential rebuttal to *Closing*, considered by many of Bloom’s critics to be definitive, was (not coincidentally) one of the calmest and most measured. Written by the classicist Martha Nussbaum, it was lengthy even by the standards of the venue in which it appeared, the *New York Review of Books*.

Nussbaum’s disputes with Bloom over the ancient texts were too obscure for a layman to adjudicate, though many of his friends, notably Werner Dannhauser, tried ardently to show her abusing the scholarship herself. To my untutored mind her characterization of Bloom’s general argument

wasn't quite accurate and in places discredited itself. She tells us, for example, that in *Closing*, "Bloom presents himself to us as a profoundly religious man." You could have fooled me. His preeminent teacher, the philosopher Leo Strauss, liked to make the distinction between Athens and Jerusalem—a life of philosophy versus a life of faith. After a few approving nods toward the Bible, *The Closing of the American Mind* shows Bloom to have been an Athens man all the way (not to mention a Jew, a homosexual, and a Hoosier. Truly, they broke the mold . . .).

The most subtle of Nussbaum's arguments poked at a contradiction lying half-buried in the book. Bloom opens with a patriotic celebration of America's foundation in natural rights, the guarantee of equality; by the end he's arguing that the way to save America from its present course is for universities to recommit to promoting the philosophical life, a life accessible, he frankly acknowledges, only to a chosen few. Bloom the democrat and Bloom the elitist appear at different times in the book, sometimes wrestling one another, but the tension between the two doesn't undermine his deadly characterization of academic life or the genealogy he offers of the ideas that brought it to its present state. Still, perhaps sincerely, Nussbaum and the other second-wave academics detected a political program in *Closing*, an elitist, antidemocratic, anti-American agenda that could quickly darken into something spookier—autocracy or worse, a new (or very old) kind of authoritarian rule.

One observer estimated that more than two hundred reviews of *Closing* were eventually published, and scores of these, in obscure quarterlies and highbrow opinion magazines alike, continued the theme of Bloom as authoritarian menace. Several likened him to Oliver North, architect of the then-raging Iran-contra scandal. In *Harper's*, the political scientist Benjamin Barber called the book "a most enticing, a most subtle, a most learned, a most dangerous tract." Americans were too susceptible to a "Philosopher Despot" like Bloom, Barber wrote. "Anxious about the loss of fixed points, wishing for simpler, more orderly times," they found in his work "a new Book of Truth for an era after God."

In time the academic establishment's horror of Bloom grew too vast for mere paper and ink to contain. Drastic action had to be taken: *Conferences had to be held*. They were convened to declare Bloom anathema. At one, in Manhattan, an administrator at the (elite!) Dalton School called him a "Hitlerite." For left-wing academics in 1987, Hitler was almost as bad as Oliver North. Richard Bernstein, then a reporter for the *New York Times*, chronicled a gathering sponsored by Duke and the University of North Carolina, where Bloom, though not in attendance, was "derided, scorned and laughed at" by a large group of humanities professors.

"In some respects," Bernstein wrote, "the scene in

North Carolina last weekend recalled the daily 'minute of hatred' in George Orwell's *1984*, when citizens are required to rise and hurl invective at pictures of a man known only as Goldstein, the Great Enemy of the state."

I should note that Duke's conference was held *a year and a half* after Bloom's book was published. Some hatreds need more than a minute to burn themselves out. And among the establishment—deans and department chairs, the grim-faced apparatchiks at the American Council on Education and the American Association of University Professors—Bloom remained a pariah for the rest of his life. But he was a jaunty and cheerful pariah, as Bellow shows, for there were compensations: appearing endlessly on TV, accepting invitations to Chequers from Mrs. Thatcher and to the White House from President Reagan, and laughing in his blue kimono all the way to *la banque*.

I wonder whether all this fuss will seem bizarre to new or younger readers of *The Closing of the American Mind*. The critic Camille Paglia once called the book the "first shot in the culture wars," and whether or not it was the first it was undeniably the loudest and most ambitious.

It's useful to recall the world Bloom and his book broke into and riled so. In material ways, the United States of America of 1987 seems as remote as Republican Rome. Our national wealth has more than tripled in the last 25 years. The digital revolution, with its upending of commerce, communication, and the habits and patterns of everyday life, was just getting underway. Music lovers delighted in the portability and convenience of their book-sized Walkmans, never imagining the tiny wonders they would be slipping into their shirt pockets a decade hence. Cars, on the other hand, seem to have been roughly half their present size, at least in memory. You couldn't carry around a telephone unless you yanked it off the wall. Atari was as sophisticated as gaming systems came. And nobody used the words "gaming system."

Culturally, the country fretted. Culturally, of course, all countries, or some segments of them, are always fretting, and have been doing so since Cicero grieved, "*O tempora, O mores*," up to and beyond Yeats's insistence that the center cannot hold. But by the end of the 1980s in the United States, there were numbers to underscore the worry. In the previous 30 years, violent crime had increased 500 percent, the divorce rate had doubled, the teen suicide rate had tripled, and the number of "illegitimate births" (this was the last era when you could use the term) had increased 400 percent.

Beyond the numbers, the worriers readily found signs of the culture's degradation, if not its imminent collapse. On TV, Geraldo Rivera and Sally Jessy Raphael had introduced

a new kind of freak show that would have been unthinkable a decade before and proved enormously popular, banishing modesty and discretion, making a virtue of exhibitionism, inviting adulterers and wifebeaters and cross-dressers to strut their hour upon the stage set. (Eerie fact: Exactly nine months after *Closing*'s publication date, Snooki Polizzi was born.) Popular fiction chronicled a generation of pampered youth lost to anomie and cocaine. As the Iran-contra scandal shook the executive branch, pundits discovered among the people a loss of faith in their institutions. A devastating crash on Wall Street was credited to greed unchecked by law or moral obligation.

And as if all that weren't sufficient cause for alarm, consider this: Madonna.

The skittish American public of 1987, in other words, was well-prepped for a message like Bloom's. It helped that his subject, colleges and universities, shared in the general unease. They were in fact one cause of it. Test scores at all levels of schooling, but particularly on college entrance exams, had been falling since the late 1960s. Two generations earlier the GI Bill had begun to democratize higher education by making it available to cohorts that in earlier times would have never thought it necessary for a fulfilling life. To accommodate the swells of new students, and to absorb the subsidies that followed them, schools vastly expanded their housing stock, increased the number of classrooms, and, crucially, widened the range of their fields of study.

The purpose of a four-year liberal arts program—defended by Bloom as an exploration of the big questions that life presents to the fully conscious human being—became confused. What was the point of a bachelor of arts degree? Was it to plumb the depths and origins of Western civilization, which had after all invented the university, and to develop the student spiritually and morally? Or was it to set the kid up for a cushy job? Humanists in our universities lost confidence in the traditional answer. By the time Bloom's book was released, the crisis in the humanities was acknowledged by everyone except the people who worked in the humanities. Parents wondered why their college-age children were taking classes called "Hip-Hop Eshu: Queen Bitch 101" and coming home after four years with degrees in "Peace Studies" that cost \$100,000. State legislators wondered about political indoctrination at tax-funded universities. The most

casual observers noticed that teachers of philosophy or literature could no longer describe their disciplines in plain speech, favoring a professional language that was no more intelligible than Esperanto, and much less useful.

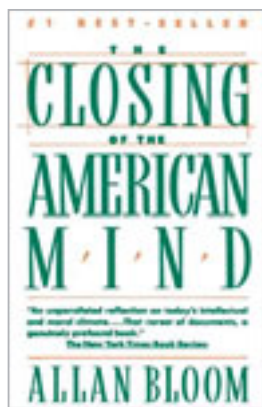
The humanities crisis was made political fodder. The Reagan administration took a special interest, and an especially acerbic tone. Lynne Cheney, chairman of the National Endowment for the Humanities, and the secretary of education, William Bennett, led the dyspeptic chorus. Both held doctorates in the humanities, which enhanced their influence with the higher-ed establishment not at all. When Cheney echoed Bloom in a widely publicized report—criticizing efforts by humanities departments to make themselves "relevant" by treating "great books as little more than the political rationalizations of dominant groups"—she earned many multiple minutes of hate all on her own.

The publication of *Closing* placed Bloom alongside Bellow, Bennett, and later the jurist and Jeremiah, Robert Bork, in a convenient journalistic category: the Doom and Gloomers, or the Killer Bs, or the Grumpy Old Men. (Cheney, alphabetically disqualified to serve with the Killer Bs, was nevertheless an honorary Grump.) But this grouping wasn't fair to Bloom, not entirely—and it wasn't fair to the arguments developed in the book, which had a subtlety and depth that journalism and partisan politics can seldom capture.

Bloom was never a movement conservative. In electoral politics he was a moderately liberal Democrat, and

more liberal still in personal and social matters. Bennett and Cheney considered themselves champions of ordinary American bourgeois life. Bloom's disdain for it runs just below the book's surface. He was no fan of the free market or the heedless getting and striving that it encourages. He worried that the future that awaited students after "college would be just as enervating as their dismal and purposeless education." And he wasn't above invoking a brand-name cliché to drive the point home. In their "Brooks Brothers suit," he writes, "they will want to get ahead and live comfortably. But this life is as empty and false as the one they left behind." Bloom preferred Armani to Brooks Brothers.

There is no element of moral uplift in Bloom's brief against modern life. Discussing the collapse of the traditional family, which has of course only accelerated since his



Bloom's reputation for fuddy-duddyism rested largely on his instantly notorious discussion of the 'gutter phenomenon' of rock music, in which he deploys words (orgiastic, barbaric) straight from a pulpit-pounding preacher circa 1955.

time, he writes: “I am not arguing here that the old family arrangements were good or that we should or could go back to them.” Bloom’s reputation for fuddy-duddyism rested largely on his instantly notorious discussion of the “gutter phenomenon” of rock music, in which he deploys words (orgiastic, barbaric) straight from a pulpit-pounding preacher circa 1955. To anyone under the age of 30 he sounded like the old crank next door hollering, “Turn it down!” But again, his case against rock was entirely his own. He didn’t worry that the music would unleash passions but that it would deaden them, especially the passion required for real inquiry and learning. “My concern here,” he wrote, “is not with the moral effects of this music—whether it leads to sex, violence, or drugs.” His critics to the contrary, *Closing* placed Allan Bloom to the left of Tipper Gore, who spent the eighties crusading against the deprecations of Mötley Crüe and Def Leppard (and the nineties apologizing for it).

Readers today will notice that Bloom’s book has grown a few whiskers. Anachronisms are unavoidable. Some of his language is outdated: No professor today could use the word “Oriental” for “Asian” and long survive. A good language cop, as all intellectuals once were, he objects to squishy nonce words, but the examples he uses—“commitment,” “values,” “life-style”—are now so deeply embedded in everyday speech that no amount of reason or ridicule will dislodge them. He’s just lucky he didn’t live to see the infinitely elastic use of the now-meaningless word “issues.” I was touched by his quaint mention of Bertolt Brecht’s “Mack the Knife” as an example of American life’s homogenizing effects: Mass marketed by Louis Armstrong (I guess Bloom couldn’t bring himself to mention Bobby Darin), a song written as leftist agitprop became a wholesome standard, “less dangerous, though no less corrupt.” What would Bloom make of the taming of the Village People’s “YMCA”—a tribute to the joys of shower-room sodomy transformed into a surefire crowd-pleaser at parochial school pep rallies? The controversy over “affirmative action,” which he treats at length, was laid to rest when its advocates decided to embrace the more ingenious logic of “diversity.” And the book gives little notice to the arrival on campus of gay rights, easily the most consequential social movement of the last three decades.

Bloom wrote a moment before the population of modernity’s Holy Trinity—Marx, Freud, and Darwin—decreased by two-thirds. Marx lost his allure, at least nominally, after the collapse of the murderous regimes that had been built from his ideas. Freud was demoted from scientist to cultural observer, and an unreliable

one besides. Only Darwin survives, undiminished and if anything enlarged, as the font of a new materialism whose effects Bloom foresaw even then and witheringly described. I can think of lots of reasons why *The Closing of the American Mind* deserves as many readers as it earned in the eighties; Bloom’s sly wit and the torrential energy of his prose are worth the price of admission, in my opinion. But this one carries a special urgency. As well as anyone then or now, he understood that the intellectual fashion of materialism—of explaining all life, human or animal, mental or otherwise, by means of physical processes alone—had led inescapably to a doctrinaire relativism that would prove to be a universal corrosive.

The crisis was—is—a crisis of confidence in the principle that serves as the premise of liberal education: that reason, informed by learning and experience, can arrive at truth, and that one truth may be truer than another. This loss of faith had consequences and causes far beyond higher ed. Bloom was a believer in intellectual trickle-down theory, and it is the comprehensiveness of his thesis that may have attracted readers to him and his book. The coarsening of public manners, the decline in academic achievement, the general dumbing down of America—even Jerry Springer—had a long pedigree that Bloom was at pains to describe for a general reader.

“The crisis of liberal education,” he wrote, “is a reflection of a crisis at the peaks of learning, an incoherence and incompatibility among the first principles with which we interpret the world, an intellectual crisis of the greatest magnitude, which constitutes the crisis of our civilization.”

He asked readers to consider contemporary students as he encountered them. They arrived ill-equipped to explore the large questions the humanities pose, and few saw the need to bother with them in any case. Instead, he said, they were cheerful, unconcerned, dutiful, and prosaic, their eyes on the prize of that cushy job. They were “nice.” You can almost see him shudder as he writes the word. “They are united only in their relativism,” he wrote. “The relativity of truth is not a theoretical insight but a moral postulate.”

Relativism, in fact, was the only moral postulate that went unchallenged in academic life. Defenders of relativism often defend it by denying it exists: No one, they say, truly believes that one idea is ultimately as good as another. And of course they’re right that none of us in our own lives act as though we believed this. But most of us profess it nonetheless, especially if we’ve got a college education, in which case we will be careful to use air quotes when we are forced to say the word “truth” in polite company. In a genial but harrowing review of *Closing*, a professor at Carleton College, Michael Zuckert, told of canvassing the students in his class on American political

thought. He asked whether they agreed that the truths in the first lines of the Declaration of Independence were indeed “self-evident.” Seven percent voted “yes.” On further conversation, he wrote, it turned out “that they were convinced there is no such thing as ‘truth,’ self-evident or otherwise, in the sphere of claims of the sort raised in the Declaration.” He would have gotten the same response in almost any college classroom today, and I’m not too sure about the 7 percent.

What follows when a belief in objectivity and truth dies away in higher education? In time an educated person comes to doubt that purpose and meaning are discoverable—he doubts, finally, that they even exist. It’s no mystery why fewer and fewer students in higher education today bother with the liberal arts, preferring professional training in their place. Deprived of their traditional purpose in the pursuit of what’s true and good, the humanities could only founder. The study of literature, for example, was consumed in the trivialities of the deconstructionists and their successors. Philosophy curled into positivism and word play. History became an inventory of political grievances.

Into the vacuum left by the humanities comes science, which by its own admission is unconcerned with the large questions of meaning and purpose. Even so, on campus and elsewhere, science is now taken as the final authority on any important human question—and not always the rigorous physical sciences, either, but the rickety, less empirical, more easily manipulated guesswork of behavioral psychology, cultural anthropology, sociology, developmental studies, and so on. Nowadays, if we seek insight into the mysteries of the human heart (not high on the academic agenda in any case) we are far more likely to consult a neurobiologist or a social psychologist than Tolstoy or Aristotle. This is not progress.

The trends that followed the crisis in higher education that Bloom identified have only intensified since 1987: toward weaker academic requirements for students, greater specialization in the departments, a rigid orthodoxy in the university’s politics and cultural life. The university we face today is still the one he described, only more so.

If I had reread *The Closing of the American Mind* 10 years ago, when my own children were themselves under 10, I confess I would have thought Bloom’s portrait of educational decline was overwrought. And then they grew up and went off to college.

Here Bloom describes a freshman arriving on campus. “He finds a democracy of the disciplines,” he wrote. “This democracy is really an anarchy, because there are no recognized rules for citizenship and no legitimate

titles to rule. In short, there is no vision, nor is there a set of competing visions, of what an educated human being is.” In the end the freshman will likely opt for a major that will get him hired when he graduates, while “pick[ing] up in elective courses a little of whatever is thought to make one cultured.”

This observation from 25 years ago matches what a freshman encounters at a moderately selective university today, and with small adjustments, even at many smaller colleges that claim to specialize in the liberal arts. The “core curriculum” or “general education requirements” are largely a sham: A math class may be offered, a science class may be offered, but seldom are both required, and often the content of each has only a glancing relation to the study of math or science. Philosophy and history fare still worse. Last year, the American Council of Trustees and Alumni surveyed the catalogues of more than one thousand colleges and universities. Fewer than 20 percent of the schools required courses in American government, only a third required a literature survey class, and 15 percent required anything more than a beginner’s level class in a foreign language. The results have been predictable. The authors of *Academically Adrift*, the most devastating book on higher education since Bloom, found that nearly half of undergraduates show no measurable improvement in knowledge or “critical thinking” after two years of college.

Perhaps the most famous image in Bloom’s book—certainly the least appetizing—is a cartoonish word picture of an MTV-watching, Walkman-wearing 13-year-old boy, the flower of American civilization, the human culmination of centuries of learning and sacrifice, nonetheless brought low by a degraded popular culture: “a pubescent child whose body throbs with orgasmic rhythms; whose feelings are made articulate in hymns to the joys of onanism or the killing of parents,” and so on and so on, whose “life is made into a nonstop, commercially prepackaged masturbation fantasy,” and who will soon, therefore, be well-fit to begin study at a major university.

I thought of that boy of 13 when I finished rereading *The Closing of the American Mind* not long ago. He is now 38. His parents, I hope, survived his childhood; about the onanism I refuse to speculate. He will likely have children of his own by now. And I hope by the time his own daughter is ready for college, he and all the youngsters he was meant to symbolize will have forgiven the author of this scandalous but all too plausible caricature. And when he disgorges tens of thousands of dollars to send his daughter to a school that has itself become a caricature of higher education, I am consoled to think that he will be able to consult Allan Bloom as to how such a thing could come to pass, thanks to a new edition of his maddening, haunting, towering book. ♦

Candidates in Orbit

The late, great U.S. space program

By P.J. O'ROURKE

We've had some fun with space policy in the 2012 presidential race. *Saturday Night Live*, the *Daily Show*, candidate debates, and other forms of low comedy had us all laughing at Newt Gingrich's proposal for moon statehood. Ron Paul said, "I think we should send some politicians up there." So it would be a blue state, and there goes Republican control of the Senate. Mitt Romney said, "If I had a business executive come to me and say they wanted to spend a few hundred billion dollars to put a colony on the moon, I'd say, 'You're fired.'" Ha, ha. A president, a Congress, and a number of wives have tried to fire Newt, and he's still on the job.

But fun with space policy is about all we've had. Space is not an issue in this election. There are good reasons it should be. NASA is cheap. Its budget is \$17.7 billion, one-fourth the budget for the Department of Education, which ought to—considering the state of public schools, where none of the kids can do this math—give its money to NASA.

National prestige is important, even if our current president doesn't know it. China is trying to become America without democracy while America is trying to become France without cheese calories.

We've gained technological advantages from our space program, and not just Tang and Teflon but satellite radio for listening to Howard Stern, GPS telling Mitt Romney how to get to Washington without going by way of the moon, the foam that protects skulls in football helmets and keeps my little linebacker from becoming any dumber than 8-year-olds already are, the cordless drill to facilitate household DIY projects, and the scratchproof sunglasses my wife wears to conceal eye-rolling at the way the bookshelves tilt. The hang glider, that California fool-killer, owes its "para-wing" to NASA research on returning payloads to Earth. Then there's hazardous gas sensors, filtration devices for kidney dialysis, flame-resistant clothing for firemen, and the Hubble telescope. The Hubble's imaging problems turned out to be the same problems doctors had looking for tumors in mammograms. Someone you love is alive today, not because of a NASA success, but because

of a NASA failure—a design flaw in the Hubble telescope.

Also, the first rule of tactics, military and diplomatic, is to hold the high ground. It gets no higher than outer space. And space keeps the politically powerful distracted with grand, visionary projects. Otherwise they'd be tempted to meddle in our personal affairs and might—who knows?—start subjecting us to full body searches at airports or telling us which health insurance policies to buy.

But the U.S. space program is short of machinery, muddled about goals, and low in morale. The space shuttle has been retired. Thousands of NASA employees and contractors lost their jobs. We have no way to get a man into space except by asking Vladimir Putin, "Mother Russia, May I?"

The Bush-era Constellation program, with its moon and Mars capabilities, was canceled. Neil Armstrong called the decision "devastating." The Augustine Commission, an Obama administration panel of scientists, retired astronauts, and aerospace experts chaired by former Lockheed Martin CEO Norman Augustine, judged Constellation to be hopelessly behind schedule, underfunded, and over budget. I'm glad they didn't judge me.

The new Space Launch System or SLS, the heavy launch vehicle that will replace Constellation's *Ares I* and *Ares V* rockets, won't be ready for a manned flight until at least 2021. Where the SLS will go is, as it were, up in the air. Lunar orbit? Asteroid? Lagrange point? (A Lagrange point is the place between two gravitational bodies where an object is held stationary in perfect equilibrium.) What if Jack Kennedy had declared we were going to put a man on a Lagrange point by the end of the decade? The nation would have been inspired to watch ballet in a suburb of Chicago.

The surprise about the space policies of Barack Obama, Mitt Romney, Newt Gingrich, and (to the extent they have any) Rick Santorum and Ron Paul is how alike they are. Obama's space policy doesn't differ much from George W. Bush's. There always was going to be a long gap between the end of the shuttle and the beginning of something new. Both presidents were stingy with cash and vague with objectives, though Bush's vagueness was more stirring.

In one fundamental way, space policy alikeness goes back decades. NASA's budget peaked in 1966 at about \$32 billion in today's dollars, which was, at that time, 4.4 percent of the federal budget. Funding has been essentially flat since George H.W. Bush took office and is, at this

P.J. O'Rourke is a contributing editor to THE WEEKLY STANDARD.

time, less than one-half of 1 percent of the federal budget. Despite the grief he's gotten for the supposed cost of his Moon Homestead Act, even Newt Gingrich hasn't suggested spending more on space. All five candidates expect the private sector to be buying a stairway to heaven.

Obama touts public-private space partnerships, use of commercial spacecraft to transport U.S. payloads, and buying government data from private satellites. "Hillary, click on Google Maps, Assad's house, street view."

Santorum, in a February op-ed, wrote about the "immediate, important, and realistic goals of the space program; encouraging partnerships between the space program and private business to grow the technology, engineering, and manufacturing sectors of our economy."

Santorum isn't far from Obama, who isn't far from Newt, who called NASA "an absolute case study in why bureaucracy can't innovate." Newt would take 10 percent out of NASA's budget every year and offer billions in prizes to private citizens who made space discoveries. It worked for Ferdinand and Isabella.

Ron Paul, as always, is more extreme. Even though congressional redistricting has moved his voters closer to the Johnson Space Center, when a delegation of businessmen came to talk about the economic benefits of space programs, Paul told them, "Space travel isn't in the Constitution." And neither is Texas, because the Spanish got there first.

Romney has said, "Our space program is an integral part of American exceptionalism." But so is Nicki Minaj. Romney has promised to think about space, or, to put it in Romney-speak, "Before you make tough decisions, you start off by saying what's the objective? And then you say what's the data and see what information you have. And then you create hypotheses." Whatever. Romney has assembled a panel of scientists, former astronauts, and aerospace experts. It's different than, if not different from, the Augustine Commission.

I consulted some aerospace experts of my own. Most wished to remain anonymous, and, with the tenor of this election cycle, who can blame them? Also there's a general feeling in the space community that partisan politics should end at the ionosphere, no matter what junk

MSNBC is bouncing off communication satellites.

An acute young space policy analyst said of the Romney space panel, "I get the sense they won't be proposing anything super-dramatic [surprise!] and will probably modify what's in place and refocus a bit."

He said Gingrich is "wildly enthusiastic about prizes, probably far beyond the point of reasonable applicability." But he was critical of Gingrich's moon base critics, saying they've been "throwing around this number of \$500 billion

or \$700 billion, which is hugely, stupidly, wretchedly, violently wrong." He estimated the actual cost to be "very, very roughly" in the "\$30-\$50 billion range, depending on how you count, what is included in development, and whether the cost estimator has a tendency to hook when golfing." Even if the estimator is deep in the rough that's 10 percent of an Obama Jobs Act.

The analyst continued, "Santorum's space policy, as far as I can tell, is: 'Newt is an idiot.' I don't think [Santorum's] team actually has anybody on space policy, largely because space is pretty devoid of opportunities to talk about moral decay, birth control, and the war on Christmas."

As for Obama, the analyst felt his record spoke for itself and referred me to the 2013 NASA budget. NASA's total budget remains about the same as 2012 but with somewhat different allocations. Funding for aeronautics, space operations, and astrophysics is down slightly. Up slightly is funding for exploration,

Earth science, and something called heliophysics (not a Solyndra boondoggle but R&D for an engine to be used on a solar probe). Space technology, the James Webb Space Telescope, and environmental compliance and restoration are up 21.8, 20, and 48.2 percent, respectively. Education and planetary science are respectively down 26.5 and 20.6 percent. The short version: more environmentalism and less learning about what it is.

The budget is not all bad. I sat in on a briefing by an officer from the part of the military that gathers satellite intelligence. The briefing was more or less classified ("Eyes, Ears, Nose, and Throat Only" or something). The officer said his people were pleased with their allocation, though he didn't say where it was buried in the budget.



Countdown to 2021: Artist's rendering of the SLS

A prominent advocate for space exploration was not so pleased, calling Obama's space policy a "continual disaster." He said Obama "had a fabulous space platform when he was running for president, then threw it out." The administration is "eviscerating the Mars program," "threw away \$10 billion in Constellation programs," had been "promoting commercial stimulation of private space efforts then cut the funding for it." He summed up Obama space policy as "castration of NASA."

The space exploration advocate said Romney "has not talked much about it. But he's tapping some pretty smart people." Chief among these is Dr. Scott Pace, chair of Romney's space policy advisory group and director of space policy at the Elliot School of International Affairs at George Washington University. Pace was the assistant director for space and aeronautics in the George W. Bush administration and later a senior administrator at NASA. "Romney," the space advocate said, "is the guy who's surrounded himself with the best team of advisers, but he needs a vision and a plan."

Gingrich claims to have both. The space advocate was lukewarm about Gingrich's "prize model," which he said would "work okay, but it's not a panacea." And he took issue with Newt's idea for an "all-American lunar colony." He said, "We need to work with other countries. The *Ariane 5* [the European Space Agency's heavy launch vehicle] is the best commercial delivery system in the world. Gingrich is not diplomatically astute."

This last struck me as a kindly assessment. And the space advocate was, in fact, kindly disposed to Gingrich. He said, "Of all the politicians I've ever heard, Newt is the sharpest and most knowledgeable about the hows and whys of space. This is not a campaign platform thing. He's been consistent for years. He's more vibrant, more focused on space programs than any of the other candidates. The ridicule of Newt's ideas showed public and political ignorance." And he noted that Newt, like Romney, has consulted seriously smart people. "He has Bob Walker on board."

Walker was willing to be interviewed on the record. A Pennsylvania congressman from 1977 to 1997, he was chairman of the House Science Committee and founder, with Gingrich, of the bipartisan space caucus. In 2001 Bush appointed Walker to chair the Commission on the Future of the United States Aerospace Industry.

Despite being a ruthless deficit hawk and representing a state with more invested in digging for coal than soaring to heights, Walker promoted spending on space programs. Though wisely, please. "I'm not suggesting spending more money," he said, "but spending it in a different way." Gingrich's prizes would be one way, he said, to promote "some of the more difficult objectives in space. It's what took Lindbergh across the Atlantic. The motive is not just money but glory, and prize contestants will find the resources to achieve that goal."

Walker's criticism of NASA is gentler than Gingrich's. "Congress has mandated that NASA become risk averse," he said. "It can no longer do the kind of thing that drove the Mercury program, when the astronauts had a one in seven chance of death." (The Mercury program sent Alan Shepard into sub-orbit on a slightly modified U.S. Army *Redstone* rocket manufactured by the Chrysler Corporation,

with fins not dissimilar to those on its cars.) Limitations on risk hindered NASA but so did limitless expense. "Apollo," Walker said, "left an 'any price will be paid' legacy at NASA."

Walker's own suggestion is for NASA to become an R&D center, "not a builder but an operation to help people pursuing goals, with investment beyond government investment. We can't use NASA as the only route into space."

Walker said he was initially skeptical about Obama's Augustine Commission but ended up applauding its call for "more commercial input." He liked the initial direction of Obama's space policy, but "the White House hasn't put a lot of effort behind what they set out to do. The White House is not willing to invest political capital in its program."



Hubble telescope photo of planetary nebula NGC 2818

As for the other candidates, he said Romney had put together a good “space team,” but they were mostly old NASA hands. He noted that Santorum had released an ad dismissive of space programs just days before giving a speech at Colorado Springs, home of the Air Force Academy, where Boeing, General Dynamics, Lockheed Martin, and Northrop Grumman are major employers, in a state that, after Florida, has the largest investment in space. I took this to be a judgment that Santorum is a political nitwit. I forgot to ask him about Ron Paul.

I remembered to ask about Ron Paul when I spoke to a respected aerospace engineer with experience at the highest levels of NASA management and a string of degrees longer than a shuttle launch vapor trail. “Why bother discussing it?” said the engineer in a tone engineered to produce blunt force. “He won’t get elected.”

And neither will Gingrich, Santorum, or, maybe, the way things look at the moment, Mitt Romney. But they will continue to be audible political voices—Santorum at gatherings of social conservatives, Romney at Bohemian Grove, and Gingrich any place anybody will let him talk.

About what Santorum would do in space the engineer said, “No idea. His people don’t know and don’t care.”

“From Romney,” the engineer said, “we’ll get a careful

and thoughtful reassessment of the space program. I don’t know what will come of it. He’s so opposed to Newt that he might not be able to back down about the moon. That was pure politics, but Romney did commit himself.”

“Gingrich,” he said, “is highly educated and purely impractical. He understands the bold sweep of space policy. But, with the moon, he’s an engineering idiot. With the prizes, it won’t work.” And, the engineer added, “I have no faith in anything he says.”

If Obama is reelected, “He’ll kill the SLS,” the engineer said. “He’ll kill the manned space program. He’ll finish what he set out to do.”

Then the engineer asked me a question. “What message will it send in 2023 or so when China can put a man on the moon and we can’t put one in low Earth orbit?”

Not to offend any sensitivities, but I believe the answer is “rots of ruck.”

“Our government needs to be in space,” the engineer said. “I don’t see another tool large enough to accomplish the task. U.S. leadership—I look at it as job one for space policy. It’s not just the military or tech benefits and all that. People look up to the United States.”

But if these people keep looking up for long, there won’t be any United States to see among the stars. ♦

Unleashing the Talent of Women in the Economy

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

Women make up half of the workforce, but they are underrepresented in the top executive ranks of our nation’s businesses. While more and more women are filling top jobs, there remains a gender gap.

Though a record number of women now head Fortune 500 companies, they still represent only 3% of CEOs at our nation’s largest businesses. The numbers don’t get much better when you look at mid-cap companies—those with \$1 billion to \$7 billion in market capitalization. The U.S. Chamber of Commerce recently partnered with Georgetown University’s McDonough School of Business on a study which found that, on average, barely 6% of executive positions at the mid-size business level are held by women. In a number of key industries, the representation of women at the executive level is 2% or lower.

There is some good news. The study showed that executive compensation for women at the mid-cap level is keeping pace with that of their male peers and in some cases even surpassing it. Several industries, including media, pharmaceutical, and retail, have much higher rates of women in executive positions.

But, clearly, there is room for improvement. We can and must do more to leverage the skills, ideas, and innovations that women leaders bring to the table.

The Chamber established the Center for Women in Business (CWB) to create more opportunities for women to advance in the business world and to find professional fulfillment. The goal of the CWB is to see more women serving on corporate boards and in executive leadership roles in businesses of all sizes. To help make that happen, the center emphasizes education and fosters mentorship. Through the CWB, the Chamber is building a growing organization of women leaders and

entrepreneurs to encourage peer-to-peer networking and spur professional growth.

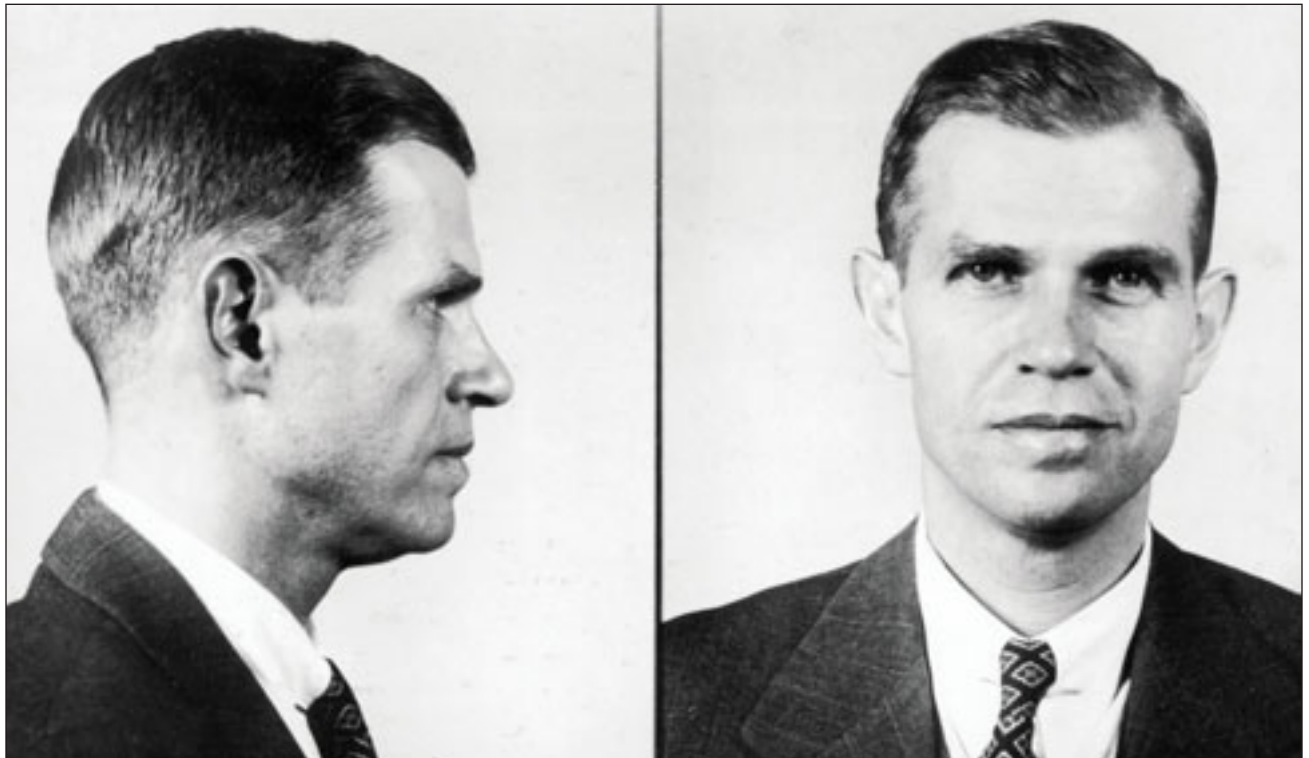
It would be a big mistake for us not to tackle this challenge. Women are propelled by the spirit of entrepreneurship that will keep our 21st century workforce competitive. They are a driving force in our economic recovery—both through entrepreneurialism and executive leadership. Women-owned businesses already contribute \$3 trillion annually to our economy and support 23 million American jobs. Let’s unleash the talent and energy of more American women, help grow their contributions to business, and put them to work in our economy.

In our free enterprise system, talent should be recognized regardless of gender, and opportunity should know no bounds.



100 Years Standing Up for American Enterprise

U.S. Chamber of Commerce



Alger Hiss under arrest, 1949

Guilty Man

Posterity ponders the Hiss case. BY RONALD RADOSH

Since the publication in 1978 of Allen Weinstein's definitive *Perjury: The Hiss-Chambers Case*, only partisans of the far left have continued to insist that Alger Hiss was innocent. They see him as a framed-up New Dealer who was painted by Republicans as a patsy through which they could indict liberals as soft on communism. I never had illusions that Alger Hiss was anything but a man of the old pro-Soviet left, and probably a Communist.

In the late 1970s, when he was at the pinnacle of a sudden popularity, and making appearances at campuses throughout the country, I was given the opportunity to attend an after-

Ronald Radosh, adjunct fellow at the Hudson Institute, is a columnist for PJ Media and coauthor of The Rosenberg File.

Alger Hiss
Why He Chose Treason
by Christina Shelton
Threshold Editions, 352 pp., \$26

Alger Hiss and the Battle for History
by Susan Jacoby
Yale, 272 pp., \$16

noon talk and reception for him in New York. The event took place at the apartment of the lyricist E. Y. ("Yip") Harburg. Those present were all either pro-Soviet fellow travelers or actual Communist party members, and the meeting was put together by editors of a Communist journal. If Alger Hiss was (as his supporters argued) an innocent New Dealer smeared as a Red by McCarthyites, what was he doing proudly accepting the invitation of a

group of actual hardcore Communists and their followers?

There is certainly no need for another study exploring whether or not Alger Hiss was innocent, as he claimed, or guilty, as many have come to believe. Yet the books keep coming, and their authors have turned to the more interesting questions of what made Hiss a Soviet agent and, later, a man who denied what was obvious. The other question they address is the meaning of the case for the time in which the two Hiss trials took place—the early Cold War of the late 1940s and 1950s—and Alger Hiss's place in our recent past.

That first question was successfully addressed by G. Edward White, professor of law at the University of Virginia, in *Alger Hiss's Looking-Glass Wars: The Covert Life of a Soviet Spy* (2004). White

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painted a careful portrait of a man who lived for deceit, who had one path that was constant: “Loyalty to the ideals of Soviet Communism and to the secret work in which he had participated. Loyalty to those who had . . . helped him at the height of his legal troubles,” a world which “had become a way of demonstrating his loyalty to all of those who inhabited it.” A consummate spy, Hiss easily carried on the myth of innocence, a task in which those who believed in the Soviet myth gladly joined him. Hiss succeeded in deceiving so many about what he did and who he really was: from Secretary of State Dean Acheson in the early 1950s to (in our own day) the former *Nation* editor and publisher Victor Navasky, who almost alone seeks to carry on the fight to vindicate Hiss. That there are still influential people in the publishing and political worlds who continue to believe in Alger Hiss’s innocence, despite the mass of accumulated evidence, clearly infuriates someone such as Christina Shelton, the latest writer to attempt to bring something new to the table about the case.

In *Alger Hiss: Why He Chose Treason*, Shelton is only partly successful. A retired analyst at the Defense Intelligence Agency and other intelligence outfits, Shelton suffers from not being a historian, although her goal is to put the Hiss case in the context of the history of our times. For those familiar with the Hiss story, the bulk of her book is all too familiar: She gives readers a tour through his early years in Baltimore, at Harvard Law School, and as a clerk to Justice Oliver Wendell Holmes. Then Shelton turns to his years in the Roosevelt administration (where he joined a major Communist cell led by Harold Ware), on through Hiss’s advisory status at the Yalta Conference. From there she moves on to the arrest of Hiss, his trial and years in prison, and finally his campaign for vindication—which is still going on. Her final section details what we have learned from the Soviet decrypts called the Venona files and from the ex-KGB officer Alexander Vassiliev’s “Notebooks” as first revealed in *Spies* by Vassiliev, John Earl Haynes, and Harvey Klehr, now available online.

For anyone who has read any of the earlier books, it all seems rather redundant. Shelton also commits some amazing errors. She quotes Hiss writing in a memoir that, by January 1946, “the Cold War was already gathering momentum and the hoped-for unity of the Great Powers had substantially faded.” Shelton comments, “This was a truly remarkable statement, coming from Hiss no less, admitting that the Cold War had started and was ‘gathering momentum’ and allied unity was gone—several years *before* Senator [Joseph] McCarthy, the alleged creator of the Cold War, was on anyone’s radar screen.”

If this is Shelton’s understanding of Cold War history, she gets an F. The Cold War was, indeed, already underway in 1946, and to acknowledge that is hardly startling. But more important, no one has ever argued that Joseph McCarthy was any kind of creator of the Cold War. Indeed, the pro-Communist left of that era complained that it was Harry Truman who had departed from Franklin Roosevelt’s willingness to work with Stalin, and that it was Truman who had created a Red Scare precisely to foment support for an aggressive anti-Soviet policy. Only years later did McCarthy come upon the scene and gain political support from Americans frustrated that we hadn’t won the battle with the Soviets, positing the existence of a “conspiracy so immense” that it stood in the way of victory.

When Shelton analyzes Hiss’s role at Yalta, she takes on the claim of Hiss’s defenders that he was an adviser on protocol only and had nothing to do with issues of policy. Although she can offer no firm proof of anything else Hiss may have done to help the Soviets behind the scenes, she speculates that he may have had papers in his possession that went far beyond his particular assignment, the new United Nations, including material on the Soviet view of German reparations and the American position on Poland’s postwar status, as

well as material on recommendations for Kuomintang-Communist unity in China in the war against Japan. As an adviser to Secretary of State Edward Stettinius, and as an active Soviet asset, Hiss was, in fact, “an integral part of all the non-military, substantive issues discussed at Yalta.” Shelton speculates that his “likely” Soviet contact was a military intelligence (GRU) officer and Red Army general named Mikhail Milshtein, who might have earlier been one of Hiss’s “controls” in New York in the 1930s. Noting that Milshtein was deputy chief of the GRU’s first directorate while at Yalta, and a secret adviser to the Soviet delegation, Hiss might have passed on whatever he knew to Milshtein.

Indeed, anything is possible. But we need to remember that this is all speculation and, at present, no GRU papers are available that would prove or disprove Shelton’s suppositions (as she reluctantly acknowledges). Hiss wrote about Yalta in exactly the manner any supporter of a pro-Soviet foreign policy would have done. He argued for years after his imprisonment that the United States and the Soviet Union could have had a warm postwar relationship, but it was undone by the confrontationist policies of Harry Truman and Dwight D. Eisenhower. It was not until the presidency of John F. Kennedy, Hiss argued, and the administration of Richard Nixon, that younger postwar leaders were able to move America into an era of peaceful coexistence and *détente* with Russia. Shelton concludes that “Hiss has become emblematic of the ideological divide that continues to this day in the United States, and has become the touchstone for many progressive individuals.” That is why, despite the overwhelming evidence of his guilt, “there are still those today who cannot bring themselves to assimilate that evidence and acknowledge that Alger Hiss was a Soviet asset and guilty of espionage.”

That is, of course, true, and precisely what Susan Jacoby seeks to address in *Alger Hiss and the Battle for History*. If Shelton fails by giving her reader too

much summary of other works, and makes unproven arguments about the extent of Hiss's espionage, Jacoby fails in her desire to depict a moral equivalence between those who believe Hiss is innocent and those who believe he is guilty, and who rightly feel vindicated that the new research proves they are correct. Jacoby's problem is that, while she too acknowledges the preponderance of evidence proves that Hiss had been a Soviet agent, she wants those who believed him innocent to be judged correct when they argue that Hiss's guilt in no way impugns the reputation of the administration in which he served.

Jacoby is fairly sure that Alger Hiss was a Communist party member, as well as a spy. When David Remnick told Hiss, during an interview in 1986, that the "democratic socialist" Irving Howe believed Hiss had lied, Hiss replied: "Howe? Howe? I don't consider him to be on the left." He also told Remnick that he admired Stalin as "very impressive . . . decisive, soft-spoken, very clear-headed." As Jacoby notes, this was (in 1986) a "bizarre observation for anyone to make"

about Joseph Stalin. She then asserts that Hiss's views were "most indicative of a Communist background" since Communists always hated opponents on the left who offered an alternative to Bolshevism, his "mask slipped when Remnick mentioned Howe," and he made the mistake of "displaying genuine anger instead of maintaining a superior posture of tolerance."

Given that her observation about Hiss is correct, it is ironic that Jacoby herself has the same response as Hiss's defenders to arguments about his guilt. She agrees with them that "undermining the legacy of the New Deal was a major goal of the anticommunist crusaders" and it "remains a persistent goal of the political right today." Jacoby's

implication is that, since "Hiss's guilt remains so important to the right," she can understand why many continue to argue he was innocent lest they be seen as right-wing themselves. But does this not indicate the reluctance of many liberals to acknowledge their own blindness about accepting the fact that, indeed, the New Deal might have been successfully infiltrated by Communists?

Jacoby's problem is a failure to explore why so many intelligent folks, such as Dean Acheson, vouched for Hiss, or seemed incapable of believing that there were dangerous

as Schlesinger. Commenting on the evidence assembled by Klehr and Haynes in their various studies, she writes, "I find it difficult to place total faith in the information that one intelligence agent passes on to another." But what Klehr and Haynes have uncovered is not simply uncorroborated files from agents but information that is corroborated with other files that point incontrovertibly to the fact that the man named "Ales" by the KGB was no one but Alger Hiss. Jacoby, however, prefers to stand above the fray, concluding that "what each side truly hates is the other's version of history." True enough.

But only one version of this particular history can be correct, and Susan Jacoby cannot decide which one. She seems more concerned that she might be confused with "right-wing ideologists" associated with George W. Bush if she sees Alger Hiss as simply guilty. Opposition to the New Deal, she argues, keeps "the Hiss fires burning" since Hiss himself argued that he was accused only "because he was a loyal New Dealer—not because anyone really thought he was a Communist



Hiss with wife and son, 1992

Party member." Communists in government service and that many Soviet agents fooled their superiors. An anti-Communist liberal like Arthur M. Schlesinger Jr. never had any problem proclaiming that Alger Hiss was guilty. Yet when Comintern files found by Klehr and Haynes reinforced the ex-Soviet agent Elizabeth Bentley's charge that Laurence Duggan, a onetime New Deal official, had been a Soviet asset, Schlesinger responded that he knew Duggan and did not believe he could have been a spy. When Duggan's role as a KGB agent was confirmed by the Venona files, Schlesinger privately conceded that the documents were "pretty damning" but never publicly changed his position.

Jacoby ends up in the same corner

Party member."

Jacoby, then, wants Hiss to be guilty but his defenders to be correct in their belief that the Communists did no damage to America at home and that the real threat to American interests came from the "anticommunist campaign" of the Cold War era, with its intrusions on civil liberties. She ends with a diatribe about Guantánamo, wiretapping by the Bush administration, and the views of conservatives about the legacy of the New Left. None of these, of course, has much of anything to do with the Hiss case; they reflect only on her own concern that accepting Hiss's guilt (as she does) might place her in the company of those she cannot tolerate.

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Hee Hee = MC^2

A postmortem on humor kills the joke.

BY DAVID GUASPARI

Humor plays an extraordinary role in everyday life. The traditional Martian observer might marvel at our craving for the incapacitating, nonproductive seizures known as laughter. Many major philosophers have proposed an account of it—an expression of superiority (Plato, Aristotle, Hobbes), the perception of an incongruity (Kant, Schopenhauer), the venting of excess energy (Freud). Each seems to capture some important insight, but not the whole.

Inside Jokes argues that these explanations are typically misdirected. There are no intrinsic properties of jokes or funny situations because humor is a “secondary quality.” A quality is primary if, like the shape or weight of a physical body, it is independent of an observer; it is secondary if, like taste or smell, it is an effect *produced in* observers, and therefore a product of each observer’s perceptual systems. The mechanisms by which we perceive humor are cognitive. What’s needed is a description of how humor works, of the mental processing involved in finding something funny. A full account will go beyond description to explain not just what humor is but why it exists at all.

The theory here, in rough outline: We cannot function without constantly jumping to conclusions, constructing “mental spaces” through which we interpret the present and anticipate the future. We construct these from current perceptions, free associations, memories, inferences, and so on, and they will inevitably be inconsistent. We are forced to recognize and resolve contradictions that are *overt*. Thinking Fred is away, I plan to use his office

David Guaspari is a writer in Ithaca.

Inside Jokes

Using Humor to Reverse-Engineer the Mind
by Matthew M. Hurley, Daniel C. Dennett,
Reginald B. Adams Jr.
MIT, 376 pp., \$29.95

for a meeting, and arrive at work to find him at his desk. But it takes effort to ferret out *lurking* inconsistencies, whose consequences (if any) may be remote. We have evolved a mechanism that rewards us for detecting them—and that is the basis for “primitive humor.” Art and culture have subsequently exploited this capacity for the sake of conviviality, sexual competition, and stand-up comedy.

Humor happens when I discover that a belief that has entered a mental space “covertly,” and that I have committed to, conflicts with other beliefs in that space. (Proviso: The discovery must not cause strong negative emotions, which may overcome humor’s pleasures.) Consider a scenario proposed by Charlie Chaplin. The camera cuts back and forth between a fat lady taking a walk and a banana peel in her path, zooms in as she approaches it, then shows her stepping blithely over it . . . into an open manhole. My attempt at analysis: The setup focuses our attention on the banana peel, brings to the front of our minds expectations about what happens in comedies to someone who steps on a banana peel, and seduces us into the covert assumption that all will be well if he doesn’t. The punch line exposes that mistake. If someone in the next seat says, “He thinks he only needs to walk around it,” that spoils the joke and the theory explains why: The belief that all will be well has been made overt, so contradicting it doesn’t trigger the humor-detector.

The reward I get for detecting my own mistake is “first-person” humor.

The theory of *Inside Jokes* holds that I can also get a laugh from “third-person” humor—recognizing an “over-committed belief” in someone else, who may be fictional. In the scene just described, that hasn’t much kick; the man is a cipher who excites little interest. But make him Inspector Clouseau, defined by the rigor with which he ignores the gap between his beliefs and reality, and the scene could be funny even if a director eliminated the first-person humor by tipping us off about the manhole. (One consequence of this distinction is that jokes exploiting third-person humor should be the ones that we can laugh at repeatedly.)

The authors apply their theory to a wide range of examples—jokes, word play, nonverbal humor, found humor, unfunny situations, tickling (a notoriously awkward example), malicious humor, spoiled jokes—including cases difficult for other theories to handle. They evaluate it against a checklist of questions that any good theory of humor should satisfy. For example, why do we laugh only at humans or at anthropomorphized objects? (Answer: We can laugh only at things capable of faulty reasoning, therefore only at things capable of reason.) It is an impressive performance.

But what could it mean to say that a belief has “covertly entered into our mental spaces”? Or that I “commit” to one I do not explicitly entertain? As the subtitle indicates, the theory has implications about our brains, about how they would have to operate in order to provide the proposed humor-detector. Their picture of mental dynamics is, and is acknowledged to be, wholly metaphorical, an “impressionistic sketch.” The evidence offered in its favor is mostly scholastic, arguments showing why other metaphors proposed in the psychological/philosophical literature won’t do the job.

Their ruling image, with the technical-sounding name “just-in-time spreading activation,” is summarized thus:

Initial semantic contents are activated by sensation in working memory mental spaces, and the process of perception and any deeper thought ensue from the diffusive triggering

of related semantic contents and interference patterns therein.

Got that? Its basic meaning is that we build mental spaces as needed, by processes of association. When I step into a new restaurant, the beliefs and expectations summoned up are, by and large, the restaurant basics (the wait to be seated, the size of the tip). New perceptions (the headwaiter's Gallic accent) elaborate that picture by dragging in associated details (bigger tip? the French for "horse meat").

It seems fair to say that the authors are confident physicalists, for whom the mind is "just" the brain and who expect neuroscience, eventually, to fill in the details of their scheme, or at any rate make it testable. That raises two questions. First, does the theory suggest interesting experiments, on volunteers observed in the psych lab or brains observed in the imaging lab? Not really—at least, not yet.

More radically, what of physicalism itself, the view that things like neuroanatomy and brain chemistry can give an adequate account of our lived experience, our consciousness? Since, as the philosopher Thomas Nagel famously argued, "We do not have the beginnings of a conception of how it might be true," the skeptics among us could find the authors' rhetoric grating—or perhaps fall sullen because, these days, empirical-sounding talk about "activation," "diffusive triggering," and "interference patterns," or about the inevitable hegemony of neuroscience, is getting all the girls. The authors do enjoy scandalizing skeptics—by speaking, for example, of "stimulus-delivery devices (more traditionally known as the works of art)." And they have a sense of humor, a hip one, partial to Steven Wright, George Carlin, and Steve Martin.

To complete the picture, they want an evolutionary explanation of how our species acquired such brains. A lay reader acquainted with any of the bestselling popular accounts of natural selection and adaptation can anticipate the general line. Consider, for example, third-person humor, an evolutionary account of which has some 'splainin' to do. I profit from an ability to detect

lurking contradictions in my beliefs, but how do I profit from the ability to detect them in the beliefs of others? One possible explanation is to point out situations in which I could benefit. Suppose that a companion, thinking that a hornet's nest is just some mud daub on a tree, is about to disturb it. Another is reciprocal altruism. Another is that third-person humor is a "spandrel" that has been "exapted"—an ability that arose as a consequence of selection for some other trait, but proved adaptive and, once in existence, could be selected for.

The authors do not claim to offer more than speculation. To phrase it in a way that might scandalize them, they are engaged in the theological practice of apology, of demonstrating that one's faith is not contrary to reason. The evolutionary, or quasi-evolutionary, jargon can, however, get out of hand: I defy anyone to show that calling long-lived jokes "memes" that "copy themselves into the future" has more explanatory value than calling it a good story that people like to repeat.

Inside Jokes is clearly and carefully argued. The most fully worked-out part of its theory offers a persuasive descriptive account of the mechanisms of humor, one trailing intimations of an aesthetics—suggesting, for example, that a joke should become funnier if it is reengineered to invoke third-person humor about additional characters, or that good comic timing is what allows an audience "just enough time to make the necessary faulty inference without enough time to double-check it." (It doesn't explain the timing required to milk a laugh, though that may concern something different—manipulating not the perception of humor but the social phenomenon of infectious laughter.)

The "reverse-engineering" of the mind is more the outline of a program than the promulgation of a theory. And it has at least one profound, surely correct, consequence: that anything capable of thinking in a recognizably human way must have a sense of humor. ♦

BCA

Leo the Great

The novelist makes room for the celebrity.

BY JORDAN MICHAEL SMITH

History's greatest novelist has not received the definitive scholarly biography he deserves. Why not? I put this question to Joseph Frank of Stanford, the author of a celebrated five-volume biography of Dostoyevsky, but even Frank admits he has "no simple answer" to the question. Perhaps, he suggests, the mass of material on Leo Tolstoy has been too formidable for any lone author to attempt to summarize.

Jordan Michael Smith is a contributing writer to Salon.

Tolstoy's writings run to 90 volumes of small Russian print, with an additional 10 volumes due in a post-Soviet edition. No complete collection exists in English at all. And yet, volume is not the difficulty that Rosamund Bartlett identifies in *Tolstoy: A Russian Life*. She manages to survey an impressive array of sources, quoting liberally from Russian-language journals, books, and newspapers. Instead, she writes, "The greatest task facing the biographer of Tolstoy is the challenge of making sense of a man who was truly larger than life."

Tolstoy
A Russian Life
by Rosamund Bartlett
Houghton Mifflin Harcourt,
560 pp., \$35

But of course, Tolstoy was not *truly* larger than life—he was simply a man, even if he was also a phenomenon. And many other individuals who also lived as spectacles, from Socrates to Sarah Palin, have received their biographical due. Tolstoy remains an exception. Bartlett’s effort is the first since A. N. Wilson’s *Tolstoy*, published 23 years ago. The late Russianologist Ernest J. Simmons completed a well-regarded set on Tolstoy in the 1940s, but all three installments are out of print. As it stands, Henri Troyat’s *Tolstoy* (1967) is probably the best single-volume biography, but it, too, is dated. As Bartlett shows, much important material has been released in the past few years.

Whatever the reason, perhaps we should be grateful that new attempts are at least made to document and interpret Tolstoy’s life. An Oxford-based scholar, Bartlett has a terrific grasp of Russian history and culture. Particularly impressive is her ability to situate Tolstoy within the national canon. As its subtitle indicates, *Tolstoy: A Russian Life* presents the novelist as a uniquely *Russian* author: Tolstoy’s seriousness, radicalism, and experiences were of a kind only 19th-century Russia could produce. “He began to be identified with his country soon after he published his national epic *War and Peace*,” Bartlett writes, noting that Tolstoy was recognized as a national symbol by both foreigners and Russians themselves. Upon his death, thousands flooded the trains trying to get to his 4,000-acre estate, where he was buried. Schools, universities, factories, offices, and theaters closed to recognize a national day of mourning. It remained unofficial only because Tolstoy had been a fierce critic of the government, which did its best to alternately ignore and censor him.

Indeed, one has to return, perhaps, to Voltaire to find a writer with Tolstoy’s combination of fame and national/moral influence. No author since has equaled his stature, perhaps because he died in 1910, before radio drowned out print as a form of entertainment and information. Bartlett also does impressive work cataloguing

the humanitarian and social-political aspects of Tolstoy’s life and career that are frequently overlooked. By 1861, he had established 21 makeshift schools for peasant children, where students learned in a free-spirited environment, with little coercion, note-taking, or memorization. Tolstoy wrote the most popular textbook in pre-revolutionary Russia, filled with stories and fables that sold over a million copies by the time of his death.

Similarly, on several occasions he wrote about famines across Russia and

Tolstoy formed a distinct strain of Christian anarchism. Deciding that Christ was best embodied by the Sermon on the Mount, this former officer in the czar’s army declared his opposition to any violence (even in self-defense) and refused to recognize the legitimacy of the Orthodox Church and the Russian government. The church excommunicated him and the government persecuted him. Tolstoy the egotist, of course, welcomed imprisonment, but the czar knew this would only convert the international



Count Leo Tolstoy, 1908

set up relief efforts such as large soup kitchens and donation collections to assist victims. All of this was on behalf of peasants, whom most other aristocrats enslaved and ignored. One of Tolstoy’s friends called him a “spiritual czar” and Chekhov called him not just a man but a “giant, a Jupiter.”

“It was when Tolstoy spearheaded the relief effort during the widespread famine of 1892 that his position as Russia’s greatest moral authority became unsailable,” Bartlett writes. “The result was a constant stream of visitors at his front door in Moscow, many of whom simply wanted to shake his hand.”

celebrity into a martyr. A cult of Tolstoyans emerged in the last decade of his life, dedicated to his principles of pacifism, vegetarianism, asceticism, and abstinence from alcohol, tobacco, and sex. Gandhi corresponded with him; Martin Luther King was an admirer. Wrote Chekhov: “You need the courage and authority of a Tolstoy to swim against the current, defy the prohibitions and the general climate of opinion, and do what your duty calls you to do.”

This points to Bartlett’s greatest shortcoming. Tolstoy’s authority derived from his greatness as an

artist; Bartlett seems to forget that Tolstoy's most lasting legacy was his fiction. The author of *War and Peace* and *Anna Karenina* is underplayed here in favor of the towering national presence. Little time is devoted to the origins, process, content, and influence of the works. No attempt is made at cataloguing Tolstoy's influence or analyzing his brilliance. *Tolstoy: A Russian Life* notes in passing what Tolstoy read, but the reader is given no assistance in understanding the formal innovations he pioneered. For those wondering why Tolstoy is sometimes regarded as the greatest writer of fiction in literary history, look elsewhere.

Yet we can, at least, be grateful that ample coverage is given here to Tolstoy's legendarily contentious relationship with his wife, Sonya. Thanks to numerous recent biographies, the republication of her diaries, and a film, Sonya's image has been rehabilitated. Instead of the portrait publicized by Tolstoyans who despised her for wanting the artist to focus on his art (and his family), she is now seen as a sympathetic, long-suffering figure. Bartlett adds evidence to the case. Sonya was usually required to obey Tolstoy's whims, which were regularly changing and always demanding. His preaching of celibacy did not prevent him from impregnating her 16 times—or from sexually violating one of his serfs before his marriage.

It was extremely difficult being the wife of a world-famous novelist, Sonya once complained, and it surely was. Tolstoy yearned late in life to be a poor, unattached drifter-ascetic, and at age 82, with only the clothing he was wearing, he sneaked out of his house on foot, departing in the middle of the night "so he would not be pursued by Sonya," and died days later of pneumonia in a railway station. His widow remained dedicated for a time to copying and publishing Tolstoy's diaries, letters, and fictions. But, Bartlett writes, "After she returned home, Sonya steadily lost interest in life." She took to sitting in an old chair her husband had liked, waiting for the end to come. ♦



'Weegee' (right) and his portrait of Konrad Adenauer, 1960

Down these mean streets a man must go who is not himself mean—armed with nothing more than a camera, a flashbulb, and a police-band receiver. Before *Law & Order*, **HEADLESS BODY IN TOPLESS BAR**, and the "eight million stories" of Jules Dassin's *Naked City*, there was the wandering eye of Usher Fellig. Born in 1899 in Zloczew, now in Ukraine, but then part of the Austrian Empire, Usher was renamed Arthur by the immigration men at Ellis Island and

renamed again by the New York Police Department, whose officers stood in awe of his seemingly clairvoyant nose for the action. The first time was to make him American, but the second time would make him immortal. Fellig himself took

to stamping his work "Credit Photo by Weegee the Famous."

"[A] photograph is a witness," said Roland Barthes, "but a witness of something that is

no more." Weegee, who at one point estimated that he'd shot 5,000 murder scenes, put it another way:

Weegee: Murder Is My Business
International Center
of Photography
Through September 2
New York

Stefan Beck writes on fiction for the New Criterion and elsewhere.

The easiest kind of a job to cover was a murder because the stiff

NEWS.COM

would be laying on the ground. He couldn't get up and walk away or get temperamental. He would be good for at least two hours.

The International Center of Photography, which holds a massive collection of Weegee's photographs, films, and memorabilia, has mounted this exhibition made up primarily of his crime-scene photography from 1935–46. A huge model revolver, like the one that hung outside Frank Lava Gunsmith at 6 Centre Market Place, greets and warns the visitor. Weegee lived one door down, at No. 5, in a squalid room, reproduced at ICP like an impeccably detailed Natural History diorama.

Weegee cared for nothing but his work. According to one writer, he subsisted on a diet of "Campbell soups, Heinz vegetarian baked beans, [and] Uneeda biscuits." With his monster-movie looks and rumpled clothing, he resembled exactly what he was, a man who worked all night, slept little, and saw things nobody wants to admit wanting to see.

Even Weegee's most cheerful snaps, a number of which ICP throws in for balance, take on a darker cast when considered in light of his subtly perverse humor. His postcard-perfect shot of the jam-packed Coney Island beach, an inexhaustible visual interpretation of Emma Lazarus's "teeming shore," looks like nothing so much as an ant-encrusted cruller. Another photo, of a policeman admiring the rescued kittens in his hands, makes the viewer laugh, then cringe. The picture is a powerful, if perhaps accidental, depiction of vulnerability. For every kitten saved from a tenement fire—

"Boss, this is a roast." Fireman's code, Weegee learned, for a blaze with fatalities, and he captured these from the outside in. "I ran into snags with the dopey editors," he recalled. "If it was a fire, they'd say, 'Where's the burning building?' I says, 'Look, they all look alike.'" So he'd forgo the blaze itself and instead photograph the tenants lucky (or unlucky) enough to survive. In one photo, two women, a mother and daughter, writhe and shriek as though still trapped inside. The elder, clutching her

makeshift headscarf, might as well be the Madonna at the foot of the cross.

They are losing their loved ones. We are witnessing something that is no more, seeing the fire more clearly in their eyeballs than in any more literal-minded image.

Weegee had a flair for the unspeakable. He was willing not only to catch people in their worst moments but also to get this down to a science. He had permission to use a police radio—in fact, he was the first civilian to enjoy this strange privilege—and he outfitted his vehicles, whether Fords, Chevrolets, or rented ambulances, with darkrooms so that he

gangsters, Murder Inc. hitmen, bodies crumpled against bloodied pavement, dazed cop-killers on their way to central booking—and so to the chair. A discarded suitcase, with and without the hogtied corpse found inside. Nothing was so disturbing that it could discourage the cigar-chomping voyeur from inspecting it, not even a cluster of rubberneckers, none older than 13, grinning in the carnival atmosphere of a murder scene.

Of a favorite shot, he said,

I arrived right in the heart of Little Italy, 10 Prince Street. Here's a guy had been bumped off in the doorway



'Mother and daughter looking up where another daughter and her baby are trapped' (1942)

could get a quick turnaround. On the payroll of tabloid dailies like *PM*, he saw the whole world through the noose of gallows humor. Many of his pictures are self-contained punchlines. One fire he deigned to shoot in the person of the building itself only because that building, sprayed with high-powered jets, bore the advertising slogan **SIMPLY ADD BOILING WATER.**

Weegee anticipated Diane Arbus with glimpses of New York's wild side: transvestites, a diapered, beer-swilling midget called the "Bowery Cherub," necking moviegoers in cockeyed 3-D glasses—but it's the murders for which he'll really be remembered. Expired

of a little candy store. . . . The detectives are all over, but all the five stories of the tenement, people are on the fire escape. They're looking; they're having a good time. Some of the kids are even reading the funny papers and the comics. There was another photographer there and he made what we call a 10 foot shot. He made a shot of just the guy laying in the doorway. . . . I stepped all the way back, about a hundred feet. I used flash powder, and I got this whole scene—the people on the fire escapes, the body, everything. Of course the title for it was *Balcony Seats at a Murder.*

Among the many artifacts on view here, courtesy of curator Brian Wallis, the one most faithful to the Weegee

experience is a check stub from *Life*, \$35 for “two murders.” Blood money? The model of Usher Fellig’s shabby quarters lies waiting to rebuke anyone who’d accuse him of exploitation or opportunism. Part of his working night

was spent looking, having a good time. The greater part was spent translating human frailty into a vocabulary any dope could understand.

If that’s a crime, we’re all accomplices. ♦



The Alphabet Blues

The agony (and occasional ecstasy) of the letter Q.

BY JOE QUEENAN

Every month I get a prescription for a Lipitor generic filled at my local pharmacy. I also get a prescription for another medication, but I don’t want to go into that. Each month, when I report to the pharmacy to pick up my prescription, the person manning the counter asks my name, and I dutifully say “Queenan.” Then I watch in amusement as he or she goes looking for the “Qs.” They usually start rooting around down there around the “Cs,” work their way up to the “Js,” sometimes backtrack to the “Gs,” and then look kind of flummoxed.

I can tell from their hapless expressions that they hold it against me that I have such a quaint name, dispatching them on such a quixotic quest. In these instances, if I am feeling generous, I will say: “I think it’s down there. In the righthand corner. No, a little to the right. It probably got mixed in with the ‘Ps.’” But if I don’t care for their snippy attitude, I let them stew in their own greases. Then they have to ask somebody else on staff to help locate the prescription for them. Somebody who knows his way around the alphabet. Somebody with real smarts.

This is not just poorly paid clerks and cashiers I’m talking about here; last month it was the man working in

the pharmacy—either a pharmacist himself or a pharmacist’s aide—who had trouble finding the “Qs.” And lest anyone think this is just another mean-spirited attack on immigrants who speak English as a second language, it is not. The people who work at my local pharmacy come in all shapes and sizes. Some are foreign-born, but most are not. They all speak English just fine. It doesn’t matter where they come from or what their cultural background is: A shockingly large number of them have trouble finding the letter “Q.”

I was a bit surprised when I first started noticing this phenomenon a couple of years ago. At the time I thought the decline of the letter “Q” into irrelevance and obscurity was kind of funny: *Oh, how the mighty are fallen!* But the more I reflected on the matter, the less amusing it seemed. If you work around powerful medications on a daily basis, and you don’t know where the “Qs” fall in relation to the “Fs” and the “Xs,” should you really be handling prescriptions? In any capacity?

Suppose I came in with a prescription for Oxycontin, a powerful painkiller and beloved party drug, and the pharmacist gave me omeprazole, a heartburn medicine, instead? Or suppose I turned up with a prescription for Claritin and the pharmacist sent me home with cyanide? I’m not saying this is likely to happen; I don’t even know if drugstores are still allowed

to sell cyanide. But you never know. You can see where I’m headed with this. This thing could get really ugly. Because if the people working in the pharmacy have trouble with the letter “Q” imagine how much trouble they might have with the letter “W.”

A couple of years ago my son had a clerical job that involved a lot of filing. One day he came home and told me that some of the people preceding him in the job literally didn’t understand how the alphabet works. They routinely filed things out of place—which could simply be a case of sloppiness—but they also filed things out of order. They certainly didn’t know how to file things in alphabetical order *within* a specific letter category. So if he went looking for a name that should have been filed under the letter “C,” he might find that “Catlin” had been filed after “Crane” and “Claymoor” because his predecessors neither knew nor cared that “A” comes before “R.” And you could just forget about expecting “McDonald” or “O’Faolin” or “Tse-tung” to be filed in the right place. Just forget it.

This is not merely a question of laziness. This is literally proof of a complete social breakdown, a descent into transcontinental collational chaos. True, for the most part, this isn’t going to be a problem: If you punch “Alabama” into your global positioning device when you really mean “Arkansas,” you’ll still head off in the same general direction, and wind up somewhere in the geographic ballpark once you get to Dixie. The results would be much less innocuous in other fields: brain surgery, car repair, macrobiotic dining.

Frankly, I think that the very last thing we need in this country is alphabetically challenged pharmacy employees. If a person can mistake a “Q” for a “G,” then it’s entirely possible that a customer like me (somebody who does not always carry his reading glasses on his person) could go to the drugstore seeking an unguent to deal with mosquito bites and end up with a four-hour erection because I swallowed somebody else’s Viagra.

That would be a bitter pill to swallow. ♦

Joe Queenan is the author, most recently, of *Closing Time: A Memoir*.

Slaughterhouse One

A gripping Grand Guignol for girls.

BY JOHN PODHORETZ

No wonder that the movie version of the surpassingly strange young-adult novel *The Hunger Games* is an enormous hit and bids fair to become the most important cultural phenomenon of 2012. The thing is gripping as hell, with a profoundly intense

central performance by Jennifer Lawrence that has the concentrated power of Al Pacino's rendering of Michael Corleone in the first *Godfather*. Gary Ross, the director and cowriter, has succeeded at a fiendishly difficult task: telling the story in a way that would make it possible for us to watch it at all. Because if it had been filmed exactly as the novel is written, even the lurid folk who make intentionally disgusting movies like *The Human Centipede* and *Saw* would be hiding their eyes and shivering and vomiting and sobbing for their mothers.

Suzanne Collins, who wrote the 2008 novel and its two even more gobsmacking sequels, did something no one has ever done before. She wrote a Grand Guignol for girls, a graphic nightmare vision of a hyperviolent world in which the favored class of adults in a totalitarian society gamble frenziedly over the lives of children whom they assign the task of slaughtering each other. And we see it not through the eyes of an adolescent boy, as we would ordinarily expect in science-fiction dystopias of this kind, but rather through the eyes of an uncertain and desperately brave teenage girl.

Her name is Katniss Everdeen, and she is among the surviving remnant on a North American continent after a series of disasters destroyed civilization.

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

The Hunger Games

Directed by Gary Ross



The former America has been divided into 12 districts and a capital city. Seventy-four years before the action begins, there was a failed revolt against the Capitol, and to keep the population in line, the Capitol forces each of the districts to supply two children between the ages of 12 and 18 to compete

in a gladiatorial contest. The contestants are fed well (for the first time in their lives), primed, beautified, turned into television stars—and then set instantly against each other in a literal fight to the death.

Collins combines a poignant depiction of the confused perspective of a classic sullen mixed-up teen forced by life to grow up too fast with an imaginative and cinematic pastiche of *The Most Dangerous Game*, *Lord of the Flies*, *The Running Man*, and the Greek myth of Theseus in the Minotaur's maze—only with Katniss in the role of Theseus. But this Theseus must do more than kill; she must also win over the audience so she can receive special goodies during the games that will keep her alive.

And to do that, she must pose as the crazy-in-love girlfriend of Peeta (Josh Hutcherson), the boy from her district who accompanied her to the games. But Peeta is someone who might have to kill her, or whom she might have to kill. And what about the boy back home, the one with whom she learned to hunt and whose skills in the forest helped her find enough food to keep her family alive?

It's not just the other kids Katniss has to watch out for. The designers of the "Hunger Games," like the designers of reality shows, like to mix it up, which means placing genetically modified bees with hallucinogenic venom and mutant dogs and forest fires in her path. And

they sting. And they bite. And they burn. And when the killing commences, kids are run through with spears, smashed against rocks, eaten alive.

This duality—the believable portrait of confused teenage everygirl torn between two boys who is forced to do whatever she must to keep herself alive at 23-1 odds—accounts for both the originality and the wild popularity of the novels.

Summarizing *The Hunger Games* can't get at why the book is an instant pulp classic and why the movie, which is as faithful as it can be, is likely to be one as well. Metaphorically, *The Hunger Games* is a depiction of an adolescent's extreme horror and anxiety at facing a world she does not understand and whose rules she has to learn as she goes or else find herself emotionally obliterated. On the page, we have Katniss's voice, alternately strong and confused. On screen, we have its equivalent in Jennifer Lawrence's face and voice and alternately graceful and gangly frame. She completely inhabits Katniss's spirit and gives one of those career-defining performances that almost ensures we will be watching this 21-year-old for many decades to come.

Gary Ross, who made the turgid *Seabiscuit* and the obvious *Pleasantville*, had to figure out how to convey the horror of the games, including the child-on-child killings, without making it so indescribably violent that no fan of the book could ever see it. He did so by using a handheld camera much of the time, with fast cutting and dark lighting, which is usually a maddening style of action filmmaking, but here seems to provide just as much information as we need to get the point without lingering over it.

He is going to have an even greater challenge filming the two later books in the series, *Catching Fire* and *Mockingjay*, in which the violence becomes worse and the crushing emotional demands on Katniss begin to take a toll on her spirit and psyche. I don't know that these books or the movie that springs from them are morally defensible, really—they glory in the violence they view with horror—but my oh my, they sure do get under your skin and into your head. ♦

“President Barack Obama roiled the U.S. election campaign when he was caught on a live microphone telling Russian President Dmitry Medvedev that he would ‘have more flexibility’ after his next election to deal with Moscow’s concerns over a planned European missile shield.”

—Wall Street Journal, March 29, 2012

ONCE THE ELECTION IS OVER, I'LL BE ABLE TO DO WHATEVER I WANT — AND WEAR WHATEVER I WANT.

WE LOOK FORWARD TO YOU SCRAPPING YOUR MISSILE DEFENSE, BUT I'D THINK TWICE ABOUT WEARING THOSE MOM JEANS.



AP / PABLO MARTINEZ MONSIVAIS