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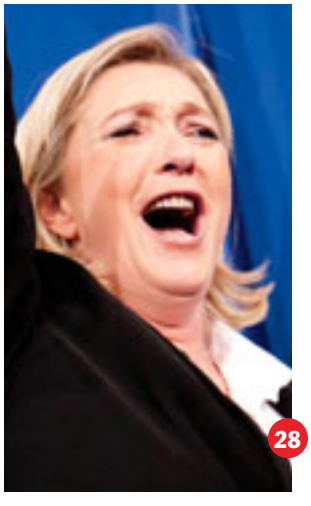

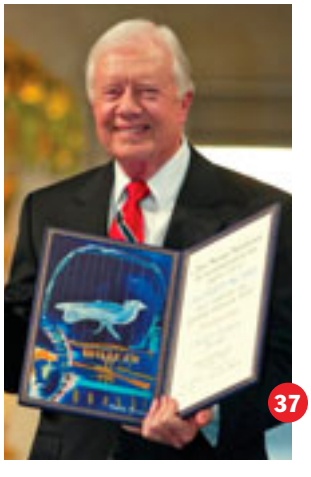

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COVER BY DAVID CLARK

Remember John Kerry's Running Mate?

The Scrapbook admits that it has taken some interest—well, more than a little interest—in John Edwards's fraud trial in North Carolina. Like many grand catastrophes in the political world, it combines bizarre facts and distasteful anecdotes with an unseemly element of satisfaction. If any political figure of recent times had to fall, and fall hard, who better than the self-infatuated, expensively coiffed ex-personal injury lawyer-turned-freshman senator who ran (twice) for president?

And that has been, for the most part, the way the press has played it. Inevitably, the *New York Times* sent Pulitzer Prize-winning columnist Maureen Dowd down to Greensboro to dispatch her patented snark about Edwards's hairdo and the curious cast of characters that surrounded him: his star-struck aide-de-camp Andrew Young, for instance, who seems to have regarded Edwards as a combination of Charlemagne and Abe Lincoln; and his mistress/cinematographer/baby mama Rielle Hunter, who combined a taste for high living with a firm adherence to a series of weird New Age beliefs. Very amusing.

Yet it has been noticed, and with good reason, that while many of the dispatches from Greensboro have been lavish with these kinds of entertaining details, they have failed (for some mysterious reason!) to note ex-senator Edwards's party affiliation. If you follow the AP's thorough coverage of the case, for example, you would not necessarily be aware that the defendant is a Democrat, served a term in the U.S. Senate as a Democrat, and indeed was the 2004 Democratic vice presidential nominee.

Need The Scrapbook point out that such journalistic evenhandedness would probably not apply if Edwards were a Republican?

Well, that's just the usual double standard, with which Scrapbook readers are wearily familiar. But the two words that The Scrapbook has been straining to hear—and has yet to find anywhere in evidence—are "John" and "Kerry." There seems to be full agreement, in retrospect, that John Edwards is an especially slimy specimen, and that the American body politic is well rid of him. But there seems to be further agreement to wholly ignore the fact that, just a few years ago, he was the choice of John Kerry and the Democratic party to be a heartbeat away from the presidency.

Is it possible that John Edwards's fitness for the presidency suffered a startling decline in the period between then and now? Or is it entirely more likely that Edwards was, plain and simple, then as now, an appalling choice in 2004 for the Democratic ticket?

Given the level of acrimony and plain viciousness expressed on the left about Sarah Palin—who, last we heard, is not on trial for fraud in Alaska—this squalid episode, which could very well result in imprisonment for John Edwards, ought to raise a few reasonable questions about his patron, Sen. John Kerry. If, for example, President Obama is reelected this fall, and Kerry remains the odds-on favorite to succeed Hillary Clinton as secretary of state, are we prepared to put American foreign policy in the care of someone who, when running for pres-

NPR Headlines We Didn't See When Bush Was in the White House

ident, surveyed the landscape for a fit successor in the White House—and chose John Edwards? ♦

Extra Credit

Sometime in the next few weeks, the Senate will vote on a proposed law that should warm the heart of just about any small-government conservative. By doing away with some burdensome, outdated government rules, the bill would free up billions of dollars in new credit for smaller businesses that desperately need it. All at no cost to taxpayers.

The Small Business Lending Enhancement Act runs less than 1,200 words and, at a glance, has a sterling free-market pedigree: Conservative stalwart Ed Royce (R-Calif.) is its lead sponsor in the House, and he has gotten dozens of his Republican and Democratic colleagues to join him. But, in the Senate, things are different. In the upper chamber, only three Republicans—Olympia Snowe and Susan Collins (both from Maine) and Kentucky's Rand Paul—have joined sponsor Mark Udall (D-Colo.) and 18 other Democrats who have signed on.

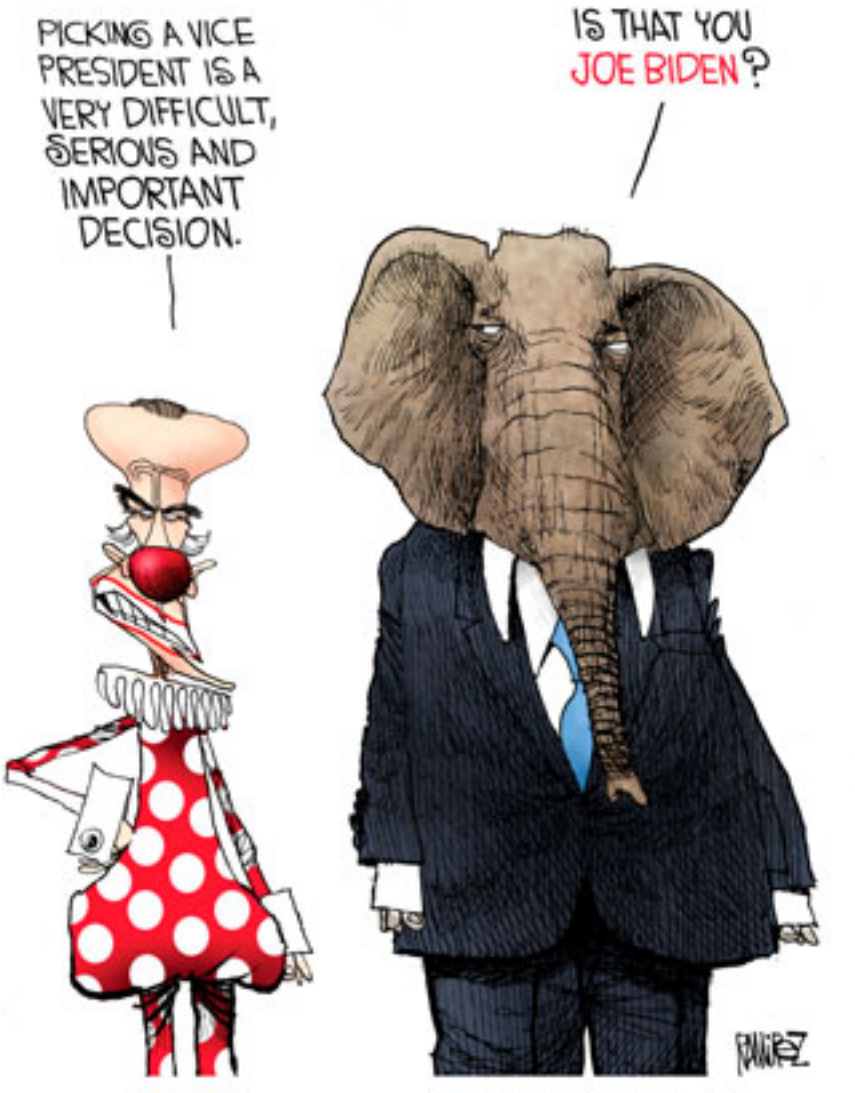
The probable reason? The beneficiaries of the bill's deregulatory actions are credit unions, smallish, democratically run depository institutions that focus on lending to people who can't get credit from banks. (The amount that credit unions can lend to businesses is currently capped.) The banks, already facing well-known problems of their own, just don't feel they can stand even a tiny increase in competition and have thrown their weight into defeating the bill. For any member of the Senate who wants to campaign on cutting burdensome regulations, however, the calculus should be simple: Deregulatory efforts should be spread to every group, not just the ones with the most clout in the Republican party. ♦

Required Reading

The Scrapbook sends warm congratulations to our friends at the *Claremont Review of Books* for reaching two milestones: a decade of publication and the release of the journal's first compilation. We've been dipping into *Life, Liberty, and the Pursuit of Happiness: Ten Years of the Claremont Review of Books*, collected by *CRB* editor Charles R. Kesler and managing editor John B. Kienker, with edification and gratification.

Truth be told, the review released its first issue in the fall of 2000, but publishing can be a leisurely business. We're glad to see the volume in stores now: The nearly 60 reviews and essays reprinted display the *Review*'s admirable range. There's James Ceaser on "The Presidential Nomination Mess" (a prescient piece published four years ago), Steven Hayward on the "gathering backlash among academic scientists against the straitjacket of orthodox environmentalism," Harvey Mansfield on Harvard ousting president Larry Summers, and Joseph Epstein arguing "Against the Virtual Life." (And those are just a few essays by some of The Weekly Standard's frequent contributors.)

But what else would you expect from an editor who compares his magazine and its competitors to David and Goliath, and in passing connects the biblical story to the work of Quentin Tarantino? Elsewhere in his introduction, Kesler succinctly sets the *CRB* apart, not just from the liberal reviews of books, but also its conservative brethren:



Some conservatives start, as it were, from Edmund Burke; others from Friedrich Hayek. While we respect both thinkers and their schools of thought, we begin instead from America, the American political tradition in all its genius and profundity, and the relation of our tradition to revealed wisdom and to what the elderly Jefferson once called, rather insouciantly, "the elementary books of public right, as Artistotle, Cicero, Locke, Sidney, etc."

Kesler believes this "approach clears the air. It concentrates the mind." So does a dip into this excellent sampling of the *CRB*'s first decade. ♦

The Jeopardy Standard

Last week, readers who also watch *Jeopardy!*—The Scrapbook suspects there is a lot of overlap in that Venn diagram—may have noticed a diverting question, er, "answer" on the popular game show: "This editor of The Weekly Standard can also be seen on Fox News Sunday." The screen then showed a publicity photo of our illustrious editor. Much to our collective relief, a contestant correctly asked, "Who is Kristol?"

If we may engage in a bit of ideological ribbing, in January when Alex Trebek posed the answer "This cable TV newswoman received a doctorate in politics from Oxford," accompanied by a picture of Rachel Maddow, the contestants were stumped. And if we may brag a little further about this magazine's *Jeopardy!* pedigree: The Weekly Standard's advertising director Nick Swezey had a successful run on the show a few years ago, ending up in the Tournament of Champions. One of our founding editors and current film reviewer, John Podhoretz, was a five-time champion on the show in 1986, back when they limited contestants to five wins. And regular contributor and columnist and blogger at the American Enterprise Institute James Pethokoukis won on the show in 2002.

Now you know why whenever we hear "*Jeopardy!*" our question is "What is The Scrapbook's favorite game show?" ♦

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Charles Colson, 1931-2012

I don't remember when I first heard from Chuck Colson. Most likely it was in the late 1980s or early 1990s. Nor do I recall whether he called or sent a letter. But I was flattered he had bothered to get in touch with me. That I remember.

I'd never met Colson, didn't cover the Nixon White House where he'd become semi-famous for playing political hardball, and hadn't read his book, *Born Again*, about his conversion to evangelical Christianity while in prison. But I knew, just from reading about him, that Colson was for real. His wasn't a fake jailhouse conversion designed to get him out of prison early or to fool folks into thinking better of him as a changed man. If Colson wasn't authentic, neither was St. Paul.

Colson wanted me to give a talk somewhere about my life as a Christian while working in the secular national media. I said yes. Not that I had a great story to tell. I'd accepted Christ a few years earlier and hadn't suffered for my faith. Quite the contrary, I'd gotten the opportunity to be a regular on *The McLaughlin Group*, a weekly TV chat show, and moved up the journalistic ladder from a newspaper, the *Baltimore Sun*, to a magazine, the *New Republic*.

Colson called on me three or four more times after that first summons, always to talk about some aspect of Christianity, politics, and the media. And my policy was, if Colson wants me for anything, I'm on board. When Colson contacted Brit Hume of Fox News to moderate a discussion on video, Brit responded similarly: "I did it because he asked me."

Colson and I weren't close friends, but we were brothers in Christ, a tighter bond than nonbelievers might think. I would run into him from time to time—in airports or at political events or Christian gatherings—and always came away encouraged in my faith and full of admiration for Colson. His death last week leaves a hole in many people's hearts.

Why did Colson appeal to me, beyond the power and authenticity of his Christian witness? I can think of many reasons, but I'll keep it to a few.

Until I met Colson, I didn't know what "muscular Christianity" was. It

AP / SUSAN WALSH

was Colson. His was a kind of tough guy religious faith. Go to almost any church these days and you'll see a lot more women than men. But when Colson talked, men listened. He was on the wavelength of successful middle-aged men, inmates who came to Prison Fellowship meetings in some previously Godforsaken jail, and lots of men in between.

This is no small thing. Men are inclined to think they're self-sufficient and don't require God's help to get along in life. (Women seem to know better.) Colson explained why Christ wasn't just for wusses. And then he led men to do what they'd never expected: embrace Christ as their savior and role model. And join their wives in church.

Colson's faith dispatched him in many directions. After serving his seven-month jail term, he started Prison Fellowship, but that was only the beginning. Mike Cromartie, his assistant in the late 1970s, introduced him to dozens of Christian scholars and theologians from whom he learned the historical and intellectual depth of Christianity. "He feasted on it," Cromartie says.

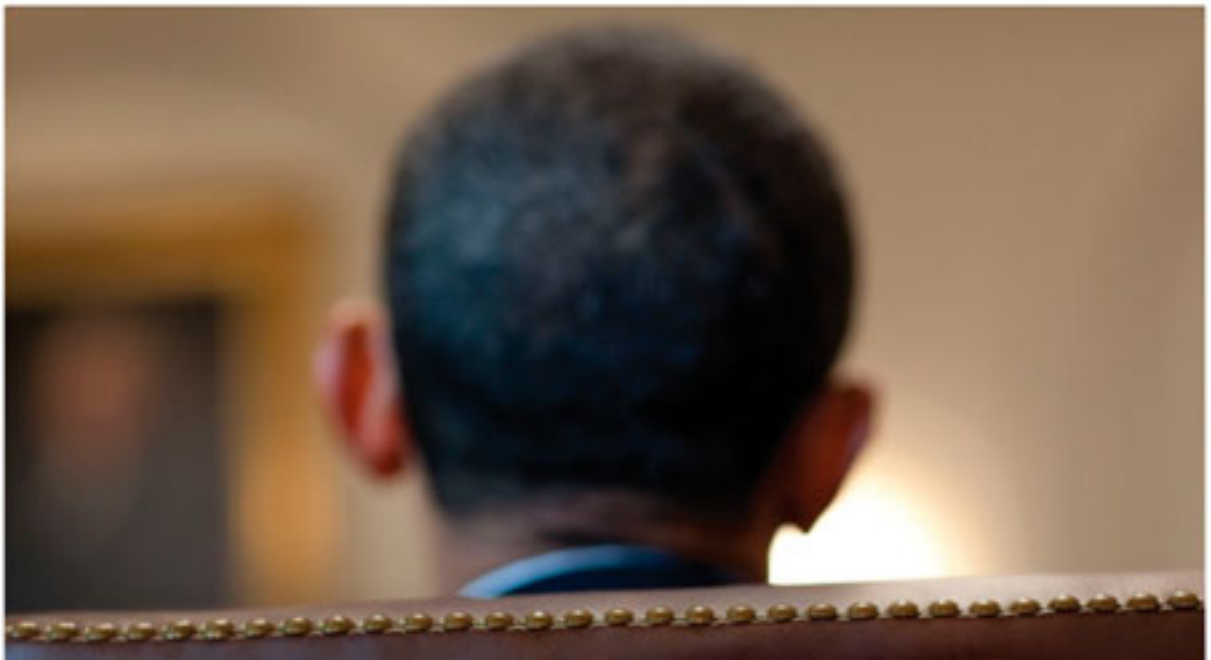
And he became a strong advocate not only of a Christian worldview, but also of ecumenism. He and Father Richard John Neuhaus, the Lutheran turned Catholic priest, promoted "evangelicals and Catholics together" as a social force in America. Neuhaus died in 2009, but the alliance endures.

Colson's upbringing was in elitist New England. He went to Brown University. He became a national figure, sought after as a speaker. Yet his abiding commitment was to Prison Fellowship and its outreach to prisoners and their families. Its success in evangelizing prisoners and reducing recidivism is quantifiable, and it is now active in more than 100 countries.

He had an amazing rapport with prisoners. "He identified with these people," Cromartie says. "He could get moved very quickly by being in their presence." Some Christians thought Colson's emphasis on redeeming the lives of prisoners reeked of the social gospel. Indeed it did. But Colson believed the obligation to serve those at the bottom was inseparable from biblical faith.

In 1999, a cover story in The Weekly Standard was headlined "Ex-Con: The Remarkable Second Career of Chuck Colson." Having been interviewed, Colson knew a story was coming. But when he took that week's issue from his mailbox, he was surprised to find on the cover a drawing of himself looking joyful. He called me that same day. He was appreciative and also very, very humble.

Fred Barnes



Should the President be allowed to circumvent immigration laws passed by Congress?

If your answer is an emphatic **NO**, then you need to pay particular attention to the administration's push for administrative amnesty taking place right now.

Through a series of memos, Federal immigration authorities have begun implementing formal measures that constitute nothing less than the granting of administrative amnesty to hundreds of thousands of illegal aliens currently in the United States.

These memos, issued by Immigration and Customs Enforcement director John Morton, limit federal agents and discourage them from effectively doing their job: **enforcing immigration laws**.

Congress must reassert its authority over U.S. immigration laws and restore integrity to our immigration system.

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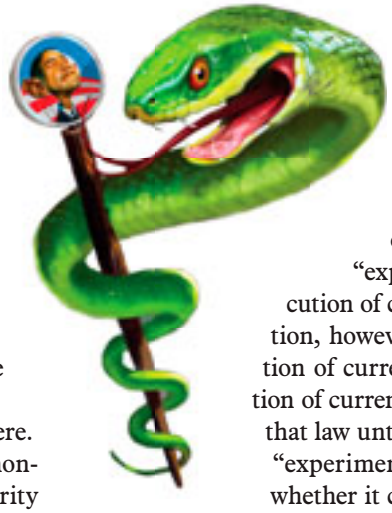
Obama's Senior Swindle

The most politically brazen feature of Obamacare has always been its looting of Medicare. About half of Obamacare's costs are to be covered with money taken from an already nearly bankrupt program for seniors. And the most politically perilous aspect of this ploy is Obamacare's cuts in Medicare Advantage funding, which would cause many seniors to lose their preferred health plans. Under the implementation schedule stipulated in Obamacare, many seniors would either lose their plans, or learn that they are going to lose them, before the election that will likely decide Obamacare's—and Obama's—fate.

Anticipating a senior revolt, the administration took action. It ran millions of dollars' worth of taxpayer-funded TV ads featuring Andy Griffith saying things like, "That new health care law sure sounds good for all of us on Medicare!" It mailed out full-color, taxpayer-funded propaganda brochures singing the same tune. It repeatedly claimed (and continues to claim) that money taken out of Medicare to fund Obamacare would—magically—also stay in Medicare and be used to extend its solvency.



THOMAS FLUHARTY

But the administration didn't stop there. Instead, it launched an $8.35 billion "demonstration project" to postpone the vast majority of Obamacare's Medicare Advantage cuts until after what Obama likes to call his "last election." In truth, this isn't really a demonstration project at all. It's something closer to the opposite: an attempt to keep Obamacare's effects from being demonstrated until it's too late for voters to respond.

The Government Accountability Office (GAO) has identified this "demonstration project" as a sham. The GAO highlights the project's myriad "design shortcomings," including its excessive focus on 2012, its awarding "most" of its "quality bonuses" to average-performing plans, and its lack of a control group. The GAO, not known for its bluntness, concludes that the secretary of health and human services (HHS) "should cancel" the project and perhaps, sometime in the future, consider "conducting an appropriately designed demonstration." The GAO also notes that the demonstration "does not . . . conform to the principles of budget neutrality." The administration is running up the national debt by another $8.35 billion in order to boost Obama's reelection prospects.

So how much is $8.35 billion, anyway? It's more than 40 times the $197 million that Obama had raised for his reelection bid as of April 1. It's more than 90 times the amount that he and Mitt Romney are each eligible to receive in general election matching funds. In health care terms, it's more than the combined annual profits of the nation's two largest and most profitable health insurance companies. In other words, $8.35 billion is real money—real taxpayer money.

Moreover, it's real money that's quite possibly being spent illegally. After all, a president isn't generally thought to possess the power to reallocate Americans' resources to shore up his political vulnerabilities. In defense of its actions, the administration is relying on a 1967 law that says the HHS secretary can spend money without specific congressional approval on "experiments" aimed at improving the execution of current law. Obama's $8.35 billion allocation, however, isn't aimed at improving the execution of current law. It's aimed at *delaying* the execution of current law and thereby masking the effects of that law until after Obama's reelection bid. The only "experiment" the administration is conducting is whether it can pull the wool over seniors' eyes until the election is over.

Even for a president who has appointed numerous "czars" to circumvent the confirmation process, issued "recess" appointments when the Senate wasn't in recess, and declared that it would be "unprecedented" for the Supreme Court to strike down a federal law, such a move is eye-opening. It raises the question: Have other presidents similarly exploited this law to promote their own self-interest? The GAO responds that of the 85 other Medicare demonstration projects conducted in the 17 years since 1995, none has cost even one-seventh as much as Obama's. In fact, according to the GAO, Obama's $8.35 billion gambit will cost more than all 85 other Medicare demonstration projects *combined*.

As Ben Sasse, HHS's assistant secretary for planning and evaluation until early 2009 and now the president of Midland University, says, "If a presidential administration can simply make up the authority to make law and give itself the power of the purse to implement its new law—

which not only isn't designed to make existing law work but is actually *against* the purpose of existing law—why do we need a Congress?" Sasse adds, "In scope and intention, this is something completely new, and if it's allowed to establish precedent, the only limit on what future administrations could spend money on, or how much they could unilaterally spend, would be their own electoral calculations about what they could get away with."

Obama's calculation appears to be that he can get away with a lot. But that may be wrong. Obamacare would be unpopular enough if it were simply a 2,700-page affront to Americans' liberty and their country's fiscal solvency. However, the overhaul's reputation has been further sullied by the Cornhusker Kickback, the Louisiana Purchase, Gator Aid, and the rest of the shady backroom deals the Democrats struck to secure its passage. By now initiating the Senior Swindle, Obama risks tarnishing Obamacare's reputation even further.

Given the president's mindset—his singular desire to impose Obamacare coupled with his frequent disregard for legal forms—he presumably felt he had no choice. Seniors wouldn't just sit quietly while their Medicare Advantage plans went away. You can't siphon $204 billion (the amount projected by the Congressional Budget Office) out of a popular program in just eight years' time (and far more in the years to follow), spend it on your unpopular health care overhaul, and have no one notice.

Roughly 12 million seniors have chosen to carry Medicare Advantage. Most like it and want to keep it. They surely don't want the funding for their plan cut by an average of $17,000 per senior over the rest of this decade, as would happen under Obamacare. They similarly don't want to see the Medicare chief actuary's prediction come true: that by 2017, enrollment in Medicare Advantage will decrease by half from what it would have been without Obamacare.

But it's not just Medicare Advantage beneficiaries who have cause for concern. Under Obamacare, other Medicare enrollees would struggle to find doctors, as (according to the Medicare chief actuary) Medicare reimbursement rates would drop below even Medicaid reimbursement rates by the end of this decade. Also by the end of the decade, the CBO suggests, Obamacare will cause 5 million people to lose their employer-sponsored insurance—almost certainly a lowball estimate. Joel Ario, Obama's initial head of the Office of Health Insurance Exchanges, said that if Obamacare's "exchanges work pretty well, then the employer can say, 'This is a great thing. I can now dump my people into the exchange, and it would be good for them, good for me.'" This doesn't quite have the same reassuring ring as, "If you like your health care plan, you can keep your health care plan." But it does have the benefit of sounding true.

The Senior Swindle provides a further reminder of the unseemliness of Obamacare, a preview of the politicizing of medicine that Obamacare would spawn, and an example of the unprincipled side of our politics. But mostly it offers a testament to the Founders' wisdom in making our government leaders accountable to the people. The American people have now been living under the looming specter of Obamacare for more than two years. In the fall, they will finally get to issue their verdict on its architect. The bet here is that $8.35 billion in unscrupulously—and perhaps illegally—allocated diversionary funds won't be enough to keep the citizenry from voting Obama out of office in November and insisting on the repeal of Obamacare in January. In fact, it might serve as a catalyst.

—Jeffrey H. Anderson

Legalized Drugs: Dumber Than You May Think

Even smart people make mistakes—sometimes surprisingly large ones. A current example is drug legalization, which way too many smart people consider a good idea. They offer three bad arguments.

First, they contend, "the drug war has failed"—despite years of effort we have been unable to reduce the drug problem. Actually, as imperfect as surveys may be, they present overwhelming evidence that the drug problem is growing smaller and has fallen in response to known, effective measures. Americans use illegal drugs at substantially lower rates than when systematic measurement began in 1979—down almost 40 percent. Marijuana use is down by almost half since its peak in the late 1970s, and cocaine use is down by 80 percent since its peak in the mid-1980s. Serious challenges with crack, meth, and prescription drug abuse have not changed the broad overall trend: Drug use has *declined* for the last 40 years, as has drug crime.

The decades of decline coincide with tougher laws, popular disapproval of drug use, and powerful demand reduction measures such as drug treatment in the criminal justice system and drug testing. The drop also tracks successful attacks on supply—as in the reduction of cocaine production in Colombia and the successful attack on meth production in the United States. Compared with most areas of public policy, drug control measures are quite effective when properly designed and sustained.

Drug enforcement keeps the price of illegal drugs at hundreds of times the simple cost of producing them. To destroy the criminal market, legalization would have to include a massive price cut, dramatically stimulating use and addiction. Legalization advocates typically ignore the science. Risk varies a bit, but *all* of us and a variety

of other living things—monkeys, rats, and mice—can become addicted if exposed to addictive substances in sufficient concentrations, frequently enough, and over a sufficient amount of time. It is beyond question that more people using drugs, more frequently, will result in more addiction.

About a third of illegal drug users are thought to be addicted (or close enough to it to need treatment), and the actual number is probably higher. There are now at least 21 million drug users, and at least 7 million need treatment. How much could that rise? Well, there are now almost 60 million cigarette smokers and over 130 million who use alcohol each month. It is irrational to believe that legalization would not increase addiction by millions.

We can learn from experience. Legalization has been tried in various forms, and every nation that has tried it has reversed course sooner or later. America's first cocaine epidemic occurred in the late 19th century, when there were no laws restricting the sale or use of the drug. That epidemic led to some of the first drug laws, and the epidemic subsided. Over a decade ago the Netherlands was the model for legalization. However, the Dutch have reversed course, as have Sweden and Britain (twice). The newest example for legalization advocates is Portugal, but as time passes the evidence there grows of rising crime, blood-borne disease, and drug usage.

The lessons of history are the lessons of the street. Sections of our cities have tolerated or accepted the sale and use of drugs. We can see for ourselves that life is not the same or better in these places, it is much worse. If they can, people move away and stay away. Every instance of legalization confirms that once you increase the number of drug users and the addicted, it is difficult to undo your mistake.

The most recent form of legalization—pretending smoked marijuana is medicine—is following precisely the pattern of past failure. The majority of the states and localities that have tried it are moving to correct their mistake, from California to Michigan. Unfortunately, Washington, D.C., is about to start down this paths. It will end badly.

The second false argument for legalization is that drug laws have filled our prisons with low-level, nonviolent offenders. The prison population has increased substantially over the past 30 years, but the population on probation is much larger and has grown almost as fast. The portion of the prison population associated with drug offenses has been declining, not growing. The number of diversion programs for substance abusers who commit crimes has grown to such an extent that the criminal justice system is now the single largest reason Americans enter drug treatment.

Despite constant misrepresentation of who is in prison and why, the criminal justice system has steadily and effectively focused on violent and repeat offenders. The unfortunate fact is that there are too many people in prison because there are too many criminals. With the rare exceptions that can be expected from human institutions, the criminal justice system is not convicting the innocent.

Most recently, crime and violence in Central America and Mexico have become the third bad reason to legalize drugs. Even some foreign leaders have joined in claiming that violent groups in Latin America would be substantially weakened or eliminated if drugs were legal.

Many factors have driven this misguided argument. First, while President Álvaro Uribe in Colombia and President Felipe Calderón in Mexico demonstrated brave and consequential leadership against crime and terror, such leadership is rare. For both the less competent and the corrupt, the classic response in politics is to blame someone else for your failure.

The real challenge is to establish the rule of law in places that have weak, corrupt, or utterly inadequate institutions of justice. Yes, the cartels and violent gangs gain money from the drug trade, but they engage in the full range of criminal activities—murder for hire, human trafficking, bank robbery, protection rackets, car theft, and kidnapping, among others. They seek to control areas and rule with organized criminal force. This is not a new phenomenon, and legalizing drugs will not stop it. In fact, U.S. drug laws are a powerful means of working with foreign partners to attack violent groups and bring their leaders to justice.

Legalization advocates usually claim that alcohol prohibition caused organized crime in the United States and its repeal ended the threat. This is widely believed and utterly false. Criminal organizations existed before and after prohibition. Violent criminal organizations exist until they are destroyed by institutions of justice, by each other, or by authoritarian measures fueled by popular fear. No honest criminal justice official or family in this hemisphere will be safer tomorrow if drugs are legalized—and the serious among them know it.

Are the calls for legalization merely superficial—silly background noise in the context of more fundamental problems? Does this talk make any difference? Well, suppose someone you know said, "Crack and heroin and meth are great, and I am going to give them to my brothers and sisters, my children and my grandchildren." If you find that statement absurd, irresponsible, or obscene, then at some level you appreciate that drugs cannot be accepted in civilized society. Those who talk of legalization do not speak about giving drugs to their families, of course; they seem to expect drugs to victimize someone else's family.

Irresponsible talk of legalization weakens public resolve against use and addiction. It attacks the moral clarity that supports responsible behavior and the strength of key institutions. Talk of legalization today has a real cost to our families and families in other places. The best remedy would be some thoughtful reflection on the drug problem and what we say about it.

—John P. Walters

Flying Not Quite as High

Our threatened airpower.

BY MICHAEL AUSLIN

The release of the Obama administration's defense budget in January makes clear just how the president intends to reshape the U.S. military. For starters, the Army will shrink 14 percent by 2017, the Marines will decrease by 20,000, six Air Force fighter squadrons will be deactivated, and the Navy will make do with fewer ships. Putting skin on this skeleton is the Defense Strategic Guidance, released in January at the Pentagon. Most significantly, the document calls for a shift of resources to Asia and promises that America will "maintain its ability to project power in areas in which our access and freedom to operate are challenged" by states like China and Iran. Yet in Secretary of Defense Panetta's own words, U.S. forces will have to do this while facing "profound challenges" and relying on "low-cost and small-footprint approaches" to achieving national security objectives.

Unfortunately, the president's goals cannot be met by the ends he proposes. In particular, the administration's plans will demand a much greater role for the airpower capabilities of both the Air Force and Navy. Yet under current plans both services will see their qualitative and quantitative air edge over competitors shrink, as they lose airplanes, operate an aging force, and face greater threats from adversaries.

Already the functions of the Air Force underpin everything America's Joint Force does, from surveillance to transport, and from close combat to cyber defense. Airpower advocates point to the sea- and land-based air destruction of Saddam Hussein's military in the 1991 Gulf war, the 1999 Allied Force air campaign against Yugoslavia, and last year's action in support of the Libyan rebellion as proof of how airpower can overcome an enemy's order of battle, command and control, and warfighting spirit. At the same time, airpower dominance allows us to deploy minimal numbers of combat ground forces and reduces civilian casualties and collateral damage.

The success of Western airpower in recent wars, however, had a foreseeable result: Potential adversaries are investing in systems that prevent access to their airspace. During the 2008 Russian invasion of Georgia, the U.S. Air Force faced a Russian air defense "no-go zone" that it could not penetrate or could have penetrated only at unacceptable cost. The lesson is simple: To survive an attack on your homeland or forces, deny the United States control of the air.

Russian-made sophisticated multilayered integrated air defense systems (IADS) present the greatest threat. These comprise rapidly deployable and movable surface-to-air missiles (SAMs) and launchers, engagement and acquisition radars, over-the-horizon radars, high-speed data links and computer networks, variable wave radio frequency transmitters, and the like. The most advanced systems can track and engage targets out to 250 miles, thereby pushing Western air forces farther out from enemy territory. The missiles an adversary can field will almost always outnumber the planes that the U.S. Navy and Air Force can put in the air. These IADS are already deployed by China and Russia, and countries such as Iran and North Korea continue to invest in air defense systems. Even older model mobile SAMs can be lethally accurate and difficult to destroy.

In addition, advanced Russian and Chinese tactical fighter aircraft, such as the Su-30 and its variants, and one day fifth-generation models like the PAK-FA or J-20 can provide a formidable air-to-air capability that will interdict U.S. planes far away from the field of

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battle or critical command and control nodes. These integrated defenses will threaten U.S. military planners with the prospect of unacceptable losses. Indeed, the likelihood of inflicting massive casualties on American ground troops and air forces may well serve to deter American intervention in the first place.

The bad news for the Pentagon is that it has few arrows in its quiver. Not only will the Air Force shrink by 500 planes from previous plans, but existing IADS in Russia and China already may prove impermeable to all U.S. airplanes except the F-22 stealth fighter and B-2 stealth bomber. Older U.S. fighters, such as F-15s, F-16s, and carrier-launched F-18s, would be at high risk if tasked with penetrating such airspace or destroying such IADS. And despite superior training, our pilots will be coming up against increasingly modern and advanced fighters in U.S. warplanes many of which are 30 years old.

There will be only up to 140 combat-capable F-22s, after the Obama administration and Congress killed production of the plane in 2009. It is unclear, moreover, how survivable the F-35 Joint Strike Fighter will be in heavily contested airspace, given its slower speed and constricted performance relative to the F-22. Our few B-2 bombers—we have only 20 of them—operate from extreme intercontinental distances, thus reducing the number of sorties they can carry out against multiple targets. As for standoff weapons such as the Tomahawk cruise missile, it is a needed part of the U.S. arsenal, but cannot be retargeted once launched, and thus is of less use against mobile SAM launchers. Nor does the unmanned aerial vehicle (UAV) revolution change things, as today's remotely piloted drones cannot survive in highly defended airspace.

Yet the president's plans will almost necessarily make us more dependent on airpower. If the Obama administration wants to rely on airpower for future U.S. military success, then the already delayed and increasingly expensive F-35 must prove to be survivable within the IADS envelope; if not, then the Pentagon should trim the planned number of F-35s and restart the F-22 line (despite the cost), further enhancing the F-22's air-to-ground attack capabilities. The Air Force must also build a stealthy and survivable next generation Long Range Strike Bomber in sufficient numbers (at least 200) to carry out any global mission. The military also needs to invest in better electronic warfare capabilities, such as that represented by the Navy's EA-18G Growler. And, as the recent loss of an unmanned spy drone over Iran showed, we need to develop better advanced stealthy remotely piloted aircraft for reconnaissance and attack missions and electronic jamming.

Warfighting is becoming more risky as authoritarian regimes modernize their forces. If the United States wants to retain the ability to respond successfully to crises across the globe with a leaner and more cost-effective force, then our leaders must recognize that maintaining control of the air is the starting point for U.S. military supremacy. ♦

The Most Hated Man in France

I was a Facebook martyr for the Sarkozy cause.

BY ANNE-ELISABETH MOUTET

Paris

'Would you write a personal piece on why you still like Sarkozy?" an editor at the London *Telegraph* asked me the other day. By that time our sitting president was not only trailing in polls for the second and decisive round, he'd even started taking a drubbing from the steadfast tortoise in the race, the Socialist contender François Hollande, in predictions for the first round. This is the free-for-all in which a flurry of candidates (ten this year, five of them completely irrelevant) slug it out two weeks before the serious business of the runoff between the top two votegetters.

Sarkozy was given up for lost; it was as good a time as any to declare a preference. I said sure, and dashed off a 600-word opinion piece on why I would be sorry to see the end of Sarko—a plain-speaking realist who'd refused to lie to or cosset the French.

Anne-Elisabeth Moutet is a columnist for the London Telegraph *and a commentator for the BBC.*

The paper slapped on an enticing headline ("Nicolas Sarkozy is a victim of his own courage") and up it went on the Saturday morning before the vote, not that any readers of the *Torygraph*, as it's dubbed, were very likely either to cast a ballot in France, or to be pro-Hollande to begin with. I myself put up a link on my Facebook page (we journos tend to self-advertise).

Next thing you know, cousins I hadn't spoken to in years started emailing me, outraged. My entire family, which gave a couple of Socialist senators and a Popular Front cabinet minister (my grandfather) to France, is staunchly left-wing on two continents; but until now we'd managed to keep things pretty civilized. By this I mean obligatory jokes at family reunions on how there must have been a mixup in the maternity ward for a conservative cuckoo of my ilk to fall among this brace of liberal doves, after which we'd all sit down to eat.

Not this time. The gloves were off, mirroring the anti-Sarkozy frenzy that has seized France in ways that make Bush Derangement Syndrome

look like afternoon tea in an Edith Wharton novel. I should be ashamed, *ashamed*, to support a man who'd betrayed every single human right dear to France with his immigration policies. (Sarkozy has dared to send illegal Roma migrants back to Eastern Europe: on Air France flights, paying each adult an extra 300 euros bonus, and 100 euros per child. This was said at the time by the Luxembourg-born European Commissioner Viviane Reding to constitute "a disgrace" reminiscent of deportations during "the Second World War.")

Sarkozy was "uncouth, vulgar, money-obsessed, dictatorial"; my poor parents must be "turning in their graves" at the outrageous, sycophantic statements I was "forcing the public" (and the family) to read. Worse, I had dared suggest that Sarkozy showed some of the spirit of the Resistance in his efforts to be true to French identity and history. There followed some spirited exchanges—François Hollande, himself blameless, started his career as an aide in Mitterrand's Elysée and has never thought it necessary to comment on the revelations of his erstwhile boss's unsavory Vichy past and acolytes—which proved that my family has an unerring instinct for, if not necessarily the zeitgeist, at least the following day's headlines.

The first round results on April 22 showed a narrower gap than expected between Hollande (28.6 percent) and Sarkozy (27.2 percent), but the real surprise came from Marine Le Pen's robust 18 percent showing, 4 points above what the pollsters had predicted for the National Front leader. It was obvious that Sarkozy would have to woo a good chunk of her voters to have a prayer in the runoff. (So would Hollande, who sent out his former partner Ségolène Royal to coo that the "suffering" of Le Pen's voters should "be listened to"—to no outrage whatsoever.) *L'Humanité*, the hard left daily, ran a cover pairing Sarko with Pétain, the Nazi collaborator.

The French mainstream media, apart from a few cloyingly ingratiating outfits like *Le Figaro* and *Paris Match*, are overwhelmingly liberal; and journalists even more so. The French press all too often give the impression of having only two settings: servile or belligerent. Nowhere was this more in evidence than last January, at the quaint New Year's cocktail party given at the Elysée for us reptiles. (Traditionally, most of January is taken up by a series of parties in which representatives of a special class—diplomats, the press, members of parliament, the unions, etc.—get to quaff excellent champagne and try to catch the president's attention after he's made a formal speech duly reported in the media.)

No dupe, Sarkozy started his formal address by suggesting, in quasi-Nixon fashion, that we soon might not have him to kick around any more, and praised "the vitality of our democracy, where the press is so free that it doesn't have to remain impartial." Still, when he came down from the dais to mingle with us, there was the usual undignified

scrum to attract his attention and bask in the distinction of exchanging a few words with him (his security detail is fairly laid back compared with the Secret Service). It was then still unclear how the election would go. You could tell when his poll figures started going south: Suddenly Sarkozy's TV interviewers began following up on questions, American style.

Now there is blood in the water. Besides the media, some of Sarkozy's less loyal cabinet hires have gone over to the Hollande camp. Doubts in his own campaign team are rampant—many worry about the legislative elections in June, fearing their association with Sarkozy will cost them their seats. "It's finished, all done for," one Sarkozyste Parisian assembly member told me. He was considering ditching his party affiliation for a less compromising centrist tag.

There's only one fighter left in Sarkozy's camp, it would seem, and that's Sarkozy himself. He has psyched himself like the runner he is, and believes he can triangulate his way to a victory by convincing both a majority of Le Pen's voters and enough of the fractured centrists remaining from the lackluster performance of François Bayrou, a former education minister who polled a little over 8 percent. Faced with the overwhelming rejection of the Parisian establishment, Sarkozy has one week left to reinvent himself as the improbable challenger of a slightly too complacent Hollande, who's already picking his cabinet.

On paper, Sarkozy's gamble might just succeed, although it's not terribly likely. Hollande has campaigned as the "normal" candidate (to which Sarkozy scoffed: "There's nothing normal about this job"). The only true passion sustaining Hollande is the desire of enough of the French to see the back of Sarkozy, whose style they abominate even though many of them acknowledge he's not performed badly in the economic crisis. On Sunday night, May 6, I'll know if my own family were accurately attuned to the country's mood. It is entirely possible. Then again, I would love to see their faces if Sarko pulls it off. ♦

NEWSCOM

Terrorists or Fall Guys?

The MEK puzzle. BY LEE SMITH

The Treasury Department has issued subpoenas to the speakers' agencies of 11 prominent former U.S. officials, including a governor of Pennsylvania, a chairman of the Joint Chiefs of Staff, and director of Homeland Security, who have given speeches on behalf of the Mujahedin e-Khalq, or MEK. Treasury's action is meant to find out whether Ed Rendell, Hugh Shelton, Tom Ridge, and others have taken money from an outfit designated by the State Department as a foreign terrorist organization (FTO).

MEK supporters protest Mahmoud Ahmadinejad's U.N. visit, September 2011

However, the nub of the case is whether the MEK merits the designation. The former officials contend that the group of Iranian exiles based in Iraq hasn't used violence in over a decade and doesn't fit the State Department's definition of a foreign terrorist organization. The last time the MEK waged an operation against Americans was in the mid-1970s, and in recent years it willingly handed its weapons over to U.S. troops at Camp Ashraf in Iraq. Neither, say its advocates, does the MEK qualify as a threat to U.S. national security, especially given that the organization provided the Bush administration with intelligence regarding Iran's nuclear facility at Natanz.

The MEK has taken its case to court. On May 8, it will ask the U.S. Court of Appeals, D.C. Circuit, to order the secretary of state to act within 30 days on the removal of the FTO designation. State has already delayed its decision for almost two years.

To some, it appears that it was precisely this public campaign that annoyed the Obama administration, which on this reading responded by unleashing the Treasury Department on former U.S. officials. The timing is suggestive: Even though many of the former officials speaking out for the MEK have been at it for more than a year, it was days after what was said to be an especially contentious meeting between lawyers for the MEK and the State Department that the Treasury started issuing subpoenas.

The advocates for the MEK haven't mysteriously gone soft on terrorism. Rather, the MEK and Washington story is one of bureaucratic stasis, the petty exercise of power, and the repeated failures of U.S. policymakers in their dealings over three decades with the Islamic Republic of Iran.

The MEK, which is part of a coalition called the National Council of Resistance of Iran, and identified in U.S. court documents as the People's Mojahedin Organization of Iran, was an anti-shah student movement founded in the mid-'60s. Its ideology was a mixture of revolutionary internationalist anti-imperialism, Marxism, Islam, and a uniquely Persian blend of mysticism and metaphysics privileging sacrifice and suffering. In the wake of the 1979 Islamic revolution, the MEK sided with the Khomeinists for a time. But within two years, the MEK and

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Iran's Revolutionary Guard Corps were at war with each other.

Whether Iran's current ruling order fears the MEK because this onetime ally poses a threat to the regime is a matter of dispute. The reality is that their enmity is shaped by the nature of the conflict they waged against each other—not a civil war but a fratricidal struggle, with hundreds killed on both sides. Some MEK cadres fled to Iraq and others to France, where the government in Paris set the precedent for what would soon become a habit of Western policymakers—cracking down on the MEK at the behest of Tehran, in exchange for expected concessions from the Islamic Republic.

In 1986, Hezbollah was holding hostage nine French nationals in Lebanon, and in an effort to get Iran to secure their release, France expelled MEK leader Massoud Rajavi. Iran's Lebanese proxies freed only two hostages, but that didn't stop France from going back to the well. In 2003, according to the former editor of the *Journal du Dimanche*, French foreign minister Dominique de Villepin sought concessions for the French energy giant Total S.A. and flexibility on the nuclear issue and in exchange agreed to round up hundreds of MEK members in France, on charges later summarily dismissed by a French counterterrorism court.

Since the mid-'80s, Tehran had been lobbying Western governments to designate the MEK a terrorist organization, and in 1997 its work paid off in Washington. Mohammad Khatami had just been elected president of Iran, and as a sop to a man deemed moderate by the standards of the Islamic Republic, the Clinton administration agreed to list the MEK as an FTO.

The road map charted by Sandy Berger and Madeleine Albright never led to the dialogue of civilizations that Khatami promised, and Washington was stuck with an albatross around its neck. The MEK had not participated in a terrorist attack on Americans since the mid-'70s, and even then it seems that the group responsible for at least some of the violence was a Marxist element within the MEK. Regardless, as Reuel Marc Gerecht, an Iran specialist at the Foundation for Defense of Democracies, tells me, "they were never as bad in their anti-American activity as the PLO." Palestine Liberation Organization chairman Yasser Arafat had given direct orders to kill the U.S. ambassador to Sudan, Cleo Noel, and yet during the Clinton years the late PLO leader was a welcome guest at the White House. "If the PLO can be rehabilitated," says Gerecht, "so can the MEK."

The confusion that the Clinton administration had sown by politicizing an FTO designation would be compounded after the 2003 invasion of Iraq. The MEK had long been hosted by Saddam Hussein, and stands accused of fighting alongside him in the eight-year-long Iraq-Iran war. U.S. forces moved the remaining MEK members from various sites around Iraq to Camp Ashraf. "It was in the middle of nowhere and a great place to disarm them," says Brig. Gen. David Phillips, the retired commandant of the U.S. Army Military Police, whose job was to disarm the MEK.

Phillips says that in the wake of 9/11 he was thrilled to have the opportunity to stick it to a band of terrorists. But that's not what he found. "We investigated all 3,400 members with the FBI," Phillips says. "I thought the FBI would come with a list, saying these are the 200 people we want, and I continued to pressure my intelligence officers, but they kept coming back to me, saying, 'Sir, we can't find much.' The FBI found no credible allegations against them and said we're out of here."

Donald Rumsfeld's Pentagon promised that in exchange for disarming, the MEK would receive protected person status, but now, says Phillips, "we're walking away from that promise." The reason, as usual, is trepidation about antagonizing the Iranian regime, and the self-inflicted anxiety that seems to strike U.S. policymakers whenever it comes to dealing with the Islamic Republic.

Tehran wanted Iraqi prime minister Nuri al-Maliki to close Ashraf and expel the MEK, and the Iraqi prime minister sought relief from the Americans. Some U.S. officials argued that it was wrong to go back on a promise to a population under its protection and urged Secretary of State Condoleezza Rice to delist the MEK. If the MEK were free of the FTO designation, the United States could have accepted some of its members as refugees and encouraged allies in the region and Europe to do the same. Rice balked, fearing the Iranians would take their anger out on U.S. troops, sending even more IEDs across the border to kill Americans.

The problem was passed on to Secretary of State Hillary Clinton, who has bizarrely explained that a "key factor" in her decision on the MEK's designation will be the organization's "cooperation in the successful and peaceful closure of Camp Ashraf" and relocation to Camp Liberty, an Iraqi facility where conditions, say MEK advocates like Phillips, are horrific.

The point of moving the group from Ashraf to Liberty is to separate them from their communication sources. "We do the same thing in the U.S. Army," Phillips explains. "Cellphones, anything they use to communicate with, the Iraqi security forces are taking away from them. It's cutting them off from the world."

Worse, says Phillips, the Iranians are likely waiting for all of the MEK leadership to be moved from Ashraf to Liberty before they start "disappearing" people. It was only a few days after the United States withdrew its protection at the end of July 2009 that Iraqi security forces killed 11 at Ashraf and wounded more than 500. In April 2011 the Iraqis attacked Ashraf again, killing 36 and wounding 345.

Phillips believes that at Liberty, cut off from the rest of the world, it can only get worse for the MEK. "If I know Maliki, he'll put them on buses and hand them over to the [Iranian] Qods Force."

American credibility and prestige are on the line, says Phillips, not only in how we treat people under our protection but also in how we deal with Iran. "We're afraid of sending the Iranians a strong message and getting them mad. But that's exactly the message we want to send them." ♦

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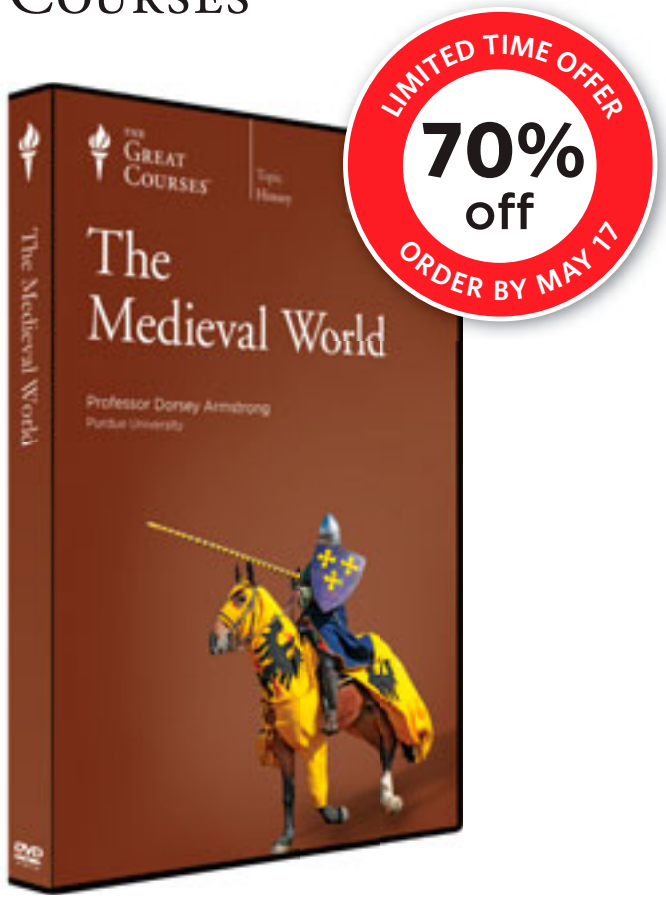

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The Next Pension Crisis

Union plans are taking on water fast.

BY MARK HEMINGWAY

Talks between the Newspaper Guild of New York and the *New York Times* have been heated. In late March, the union forced the paper to drop its proposal to extend the workweek at the *Times* to 40 hours—any work over 35 hours and the paper has to pay overtime. The *Times*'s management bitterly noted that the shorter workweek costs real money and that "eight-hour days are the norm . . . in much of the world outside The Times."

Following on the heels of this victory, the guild set its sights on another management proposal: transitioning workers out of a traditional pension plan and into a defined contribution plan, such as a 401(k). Again, this is now the norm in much of the world outside the *Times*, but the union is having none of it. On April 18, *New York Times* guild members began circulating a YouTube video featuring some of the paper's most senior staff excoriating *Times* publisher Arthur O. Sulzberger Jr. and "corporate management." The pension move is an affront because "we've already been investing in helping save the paper," said *Times* columnist Jim Dwyer.

If the guild has been helping the paper out of its dire financial straits, their pension plan doesn't reflect that. According to the paper's last annual report, the company pension plans are $522 million underfunded and have enough money to cover only 77 percent of the plans' liabilities. The federal government considers pension funds endangered if they are less than 80 percent funded, and 65 percent funding is the threshold below which the government declares a pension plan to be in "critical status." That's the point at which a fund is likely to go into an accounting tailspin and never be able to cover its obligations.

If the veteran journalists at the *Times* weren't so busy trying to protect their generous benefits, they might realize there's a story here. Union pension funds—particularly multi-employer plans—are on the verge of collapse across the country.

This problem has been building for a while, largely as a result of an aging unionized workforce. A Government Accountability Office report found that since 1998 more people have been collecting benefits from multi-employer plans than paying into them.

As bad as this sounds, new rules from the Financial Accounting Standards Board (FASB) requiring companies to disclose their pension liabilities have revealed the problems to be much worse than previously estimated.

Analysts at Credit Suisse crunched the numbers on 1,354 of the country's 1,459 multi-employer pension plans and concluded they are collectively $369 billion short of the money needed to cover their liabilities and are only 52 percent funded. That's more than double the $160 billion deficit previously estimated by FASB. Credit Suisse arrived at its figure by measuring the actual assets and obligations, as opposed to the plans' "actuarial value," an estimate that allows companies to discount their pension liabilities based on expectations of future returns that have turned out to be unrealistically optimistic.

"With multi-employer plans in bad shape, companies could get hit from a number of angles including increased contributions, difficult labor negotiations, higher withdrawal liabilities, and [mergers and acquisitions] could be impacted as acquirers have to price in the underfunding. The new insights may even change investor and rating agency opinions of certain companies," according to Credit Suisse's report, "Crawling Out of the Shadows: Shining a Light on Multi-employer Pension Plans."

In other words, because of the new transparency requirements, the stock of unionized companies could take a big hit. What's more, transparency about union pension liabilities could end up depressing entire industries. That's because union pension plans are interconnected. If pension plans start failing in heavily unionized sectors such as construction, transportation, and supermarkets, it could have an ugly domino effect.

One of the reasons 401(k)s and defined contribution retirement plans began supplanting traditional defined benefit pension plans in the 1970s is that they had a big advantage for workers—portability. Workers could quit their jobs and take their retirement plans with them. Multi-employer plans were Congress's attempt to offer union members portability without sacrificing the advantages of being in a defined benefit plan. Unions can use collective bargaining to force companies to pool their pension plans. Workers can then move between companies—say from Ford to GM—with their pensions intact. Hence the term "multi-employer pension plans."

The big catch is that multi-employer pension plans operate under "last man standing" accounting rules. If five unionized companies are in a multi-employer plan and four of them go out of business, the fifth company is on the hook to pay the pensions of the employees from the four other companies. For this reason, UPS stunned observers when it paid $6 billion—40 percent more than analysts had pegged its liabilities—to buy its way out of its multi-employer plan, rather than run the risk of being on the hook for the entire Teamsters union pension.

Mark Hemingway is a senior writer at THE WEEKLY STANDARD.

EXPERTS AGREE:

These Pandas are Doomed

Coin shown larger than actual size of 40 mm.

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David Zion, one of the authors of the Credit Suisse report, is somewhat sanguine about the eye-popping numbers, noting that analysts on Wall Street have been anticipating this. "It's been out there. I would expect that people that followed [industries such as] transportation and supermarkets knew that it was a risk. But what they're able to do now is to start putting some numbers around it," he says.

Still, Zion notes that there's significant potential for this new information to impact public perception and markets more broadly. "To the extent that it shines a light on a claim that wasn't really well factored in previously, that could have a negative impact on some stock prices."

Brett McMahon, a longtime union critic and vice president at Miller & Long Construction, is much more blunt about the effects of multi-employer pension transparency: "This puts a concrete price on unionization. . . . If it doesn't affect the public perception, it should."

The sizable price tag also won't help reverse the decline in private sector unions. Employers will fight harder than ever to keep workers from forming a new union—which can then force management into joining a multi-employer plan that may already be well on its way to failing.

The political ramifications of this are not trivial. In 2010, when Democrats still had control of Congress, unions tried to push Democrats, who received $400 million in campaign cash from organized labor in 2008, to pass something called the "Create Jobs and Save Benefits Act." The actual text of the legislation would have made the massive multi-employer pension liabilities "obligations of the United States." A $369 billion pension bailout that would only benefit 7 percent of the workforce wasn't popular enough to pass then, and it's definitely off the table with a GOP majority in the House.

However, this doesn't mean the problem is going away. Multi-employer transparency is likely to accelerate the demise of union pension plans. If nothing else, this will swamp the Pension Benefit Guaranty Corporation (PBGC), the taxpayer-funded backstop for failed pension plans. As of 2010, the PBGC had a total of $102.5 billion in obligations and $79.5 billion in assets, and it has been steadily accruing new liabilities. Further, the PBGC has a maximum annual multi-employer plan benefit of $12,870 per person. That's not much to retire on, and given the outsize political influence of unions, there will be tremendous pressure on Congress to do something more for the victims of failed union pension plans.

Aside from alerting investors and employers, the perilous state of multi-employer pension plans should also be a wake-up call to Congress. The failure of many of these pensions is a matter of when and not if. It would be advantageous for Congress to have a plan in place to address the failure of union pensions before political pressures dictate they concoct one in a hurry. By the time they read about it in the *New York Times*, it will probably be too late. ♦

What's Going On in Azerbaijan?

The Iran-al Qaeda alliance.

BY THOMAS JOSCELYN

On April 18, just days after a U.S.-led coalition wrapped up the first round of renewed nuclear negotiations with Iran, the Republic of Azerbaijan made an announcement. In a statement released online, Azerbaijan's Ministry of National Security said it had "conducted large-scale special operations" to disband a terrorist cell of about 20 al Qaeda-linked operatives. The alleged terrorists reportedly had plans to attack "shrines, mosques, and prayer houses" in addition to "law-enforcement agencies." Their intent, according to Azerbaijani officials, was "to create [an] atmosphere of . . . confusion and horror among the population."

Al Qaeda has operated in Azerbaijan since the 1990s, and terrorist plots have been foiled there before, so the announcement was not entirely surprising. What was noteworthy, however, was that some members of the al Qaeda cell had spent two months receiving "weapons and physical training in the Islamic Republic of Iran."

Thomas Joscelyn is a senior fellow at the Foundation for Defense of Democracies.

Azerbaijan is on the front lines of a shadow war between Israel and Iran. At stake are Iran's nuclear weapons program and Israel's clandestine efforts to stop it. A recent article published by McClatchy Newspapers refers to Azerbaijan—sandwiched between Iran and Russia on the Caspian Sea—as a "den of spies." Russia, the United States, the United Kingdom, Israel, and Iran—all of these countries and more run clandestine operations on Azerbaijani soil. "This is ground zero for intelligence work," an Israeli intelligence official told the London *Times* earlier this year. "Our presence here is quiet, but substantial. We have increased our presence in the past year, and it gets us very close to Iran."

Too close, from the Iranians' perspective. Iranian officials routinely allege that Israel launches attacks on Iran's nuclear scientists from Azerbaijan. Several Iranian scientists have been killed or wounded by assassins since 2010. After one scientist was killed in January, the Iranians summoned Azerbaijan's ambassador to protest Mossad's "activities" north of the Iranian border. "Some of the

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It wasn't more than ten years ago that we met with former U.S. Mint Director Donna Pope. She spoke with pride about what she considered to be her greatest achievement as Director under President Reagan: Creation of the American Eagle silver and gold bullion coin programs, the first of their kind in our nation's history.

The purpose of these coins was to give people the opportunity to own physical silver and gold in a form certified for weight and purity by the U.S. Mint. While the bullion coin program was a signal success, nobody took into account the profound effect it would have on the collector market.

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For the same reason, many collectors today see the Silver Eagle series as a literal "ground floor" opportunity to acquire the top-grade coins as they are released. They started submitting Silver Eagles to the leading independent coin grading services, such as Numismatic Guaranty Corporation (NGC), praying that the coins would come back with the highest possible grade: MS70 (all Uncirculated coins are graded on a point system from a low of 60 to a high of 70, with 70 representing flawless perfection). Of all the Silver Eagles produced by the U.S. Mint in 2011, less than one out of every 788 earned the NGC MS70 grade!

MS70 = $$$$$!

In the rarified atmosphere of MS70, Silver Eagles have soared to market prices that I can only characterize as surreal. Consider this: MS70 Silver Eagles have been selling for truly stratospheric prices. Here are just a few eye-popping examples:

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1991 MS70 Silver Eagle	$3,910
1994 MS70 Silver Eagle	$1,660

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terrorists linked to the assassination of Iranian nuclear scientists have traveled to Azerbaijan," Iran's foreign ministry said in a statement. From there, Israel's spies allegedly "facilitated" the assassins' "travel to Tel Aviv." Iran's ambassador to Azerbaijan recently stated that his government has "documents to substantiate this claim."

In reality, it is impossible to verify these allegations or much else about the spy vs. spy battle in Azerbaijan. The spies conducting the shadow war do not advertise the specifics of their business. The Iranians have alleged that the United States and United Kingdom have participated in the assassination campaign. But the State Department has strongly denied any involvement, and the Iranians are probably overreaching. A common motif in Iranian propaganda since 1979 has been to blame the "Great Satan" for all of Iran's ills.

Still, it is widely assumed that Israel is behind the motorcycle-riding assassins who have targeted several Iranian nuclear scientists. Certainly, Israel has every reason to want to disrupt Iran's nuclear efforts.

In late March, *Foreign Policy* magazine reported that Israel had struck a deal with Azerbaijan that would allow the Israelis to launch airstrikes against Iran's nuclear installations from its territory. Whether or not this is true, the relationship between the Israeli and the Azerbaijani governments is close.

To counter this alliance, Iran has long sought to strike Israeli and Western targets in Azerbaijan using the mullahs' own preferred instrument of statecraft: terrorism. In 2008, Azerbaijani authorities thwarted a plot to bomb the Israeli embassy in Baku. Several would-be terrorists were arrested, including two Lebanese citizens. The cell was reportedly operating under orders from the Iranian Revolutionary Guard Corps (IRGC) and Hezbollah, Iran's chief terrorist proxy in Lebanon.

In January of this year, Azerbaijan's Ministry of National Security announced that it had broken up a group of Iranian-backed terrorists who were making "preparations" to attack "foreign public figures in Baku." Their targets included Israel's ambassador to Azerbaijan, Michael Lotem, as well as a rabbi and teacher at a local Jewish school. The Iranians allocated $150,000 for the plot, and the terrorists' ringleader lives in Iran, where he met "with Iranian special services."

Then in March, the Azerbaijanis arrested 22 people accused of plotting terrorist attacks against the U.S. and Israeli embassies as well as other targets. They, too, took their orders from the IRGC. Azerbaijan's Ministry of National Security said the men were trained in "camps around Tehran" and elsewhere in Iran. The cell's members were native Azeris, and according to the Azerbaijani government, the Iranians worried that authorities might grow suspicious of their frequent travel to and from Iran. So the cell's IRGC handlers met with some of them in other countries, including Syria and Russia.

It is in this context that Azerbaijan disrupted the al Qaeda-linked cell in mid-April. The Azerbaijanis did not say who had trained some members of the cell in Iran for two months, and numerous requests for further information went unanswered.

It is possible that the training was conducted by al Qaeda operatives. Al Qaeda has a substantial network inside Iran that, according to the U.S. Treasury Department, exists as part of a formerly "secret deal" between the Iranian government and al Qaeda. This network has delivered recruits to al Qaeda operatives in northern Pakistan, Iraq, Afghanistan, and elsewhere.

The al Qaeda-connected cell disbanded in April was originally assembled with help from Ibrahimkhalil "Saleh" Davudov, before he was killed by Russian security forces early this year. Azerbaijan's Ministry of National Security describes Davudov as "linked to [the] al Qaeda global terrorist network." Davudov had been named head of al Qaeda-affiliated terrorists in Dagestan by the notorious Chechen Doku Umarov, designated by the United Nations and the United States an al Qaeda-connected terrorist.

Umarov ordered the March 2010 suicide bombings on Moscow's Metro, which killed 40 people, and the January 2011 Moscow airport bombing, which killed 37 people and wounded nearly 200 more. He has extensive ties to the Islamic Movement of Uzbekistan (IMU) and its offshoot, the Islamic Jihad Union (IJU), both of which are closely affiliated with al Qaeda. The IMU and IJU funnel fighters and recruits through eastern Iran into northern Pakistan and Afghanistan. According to the Azerbaijani government, some members of the al Qaeda-linked cell disbanded in April were trained in northern Pakistan by the IJU.

It is also possible that the training was conducted by the IRGC or Iran's Ministry of Intelligence and Security. Their fingerprints were all over the earlier cells dispatched from Iran. Both have been implicated in supporting al Qaeda's operations in Iraq and Afghanistan. One clue may be the al Qaeda cell's ties to Syria. Prior to receiving their training in Pakistan and Iran, some members of the group spent time in madrassas in Syria, where they were indoctrinated in jihad. Interestingly, some members of the terrorist cell detained in March had also been to Syria. The Syrian government, which is fighting a substantial insurgency, has long cooperated with the Iranians in exporting terrorism.

Iran's precise role in the al Qaeda-linked cell's plotting against targets in Azerbaijan remains unknown. An Azerbaijani spokesman said that the cell was unrelated to the Iranian-backed operatives who were detained earlier in the year. This may simply mean that the other cells were not linked to al Qaeda. He also said the investigation is ongoing. But a clear pattern has emerged. Around the world, far beyond Azerbaijan's borders, the Iranians are using terrorists to target the Israelis. Concurrent with the thwarted plots in Azerbaijan, similar plots and Iranian-backed attacks have been carried out in India, Georgia, and Thailand.

The shadow war over Iran's nuclear weapons program continues. And by all appearances, al Qaeda is on Iran's side. ♦

EdenJET™

The EdenJET™ Boeing 737-200 Model, $7.5 Million

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To produce the EdenJET™, SCI Aviation first buys prime, low hour 737's from the best airlines. The planes are then inspected nose to tail per FAA standards. All defective, worn and dated structural and mechanical parts are replaced. The exterior then receives the best quality new paint job. The interior of the plane is then gutted and replaced with the EdenJET™ advanced, breakthrough interior.

The EdenJET™ interior is the ultimate for business trips, party trips and family trips. The EdenJET™ interior is the result of many years of focus group testing using actual business, party and family air trips on charter planes with numerous different types of interiors. The first prototype EdenJET™ interior was then designed in stages with focus group testing and human engineering on each phase.

All of this produced the ultimate interior for convenience, comfort, entertainment and fun.

The EdenJET™ interior is divided into 8 sections. But, the passenger sections, 3 through 6, have divider bulkheads which have cutouts that open up all passenger sections so everyone can see each other. The sections starting from front to back, are as follows:

Section 1 is the entrance area behind the cockpit. It has the standard two jump seats for flight attendants, a regular 737 lavatory, a storage closet, and the standard 737 small front galley. The entrance area also has a command-center touch panel to control the cabin audio and video systems.

Section 2 contains two captain chairs for two flight attendants or extra crew and a custom designed large front galley. The flight attendant seat area has a 26 inch flat screen TV.

Section 3, The Entertainment Control and Conference, Game and Dining Area, has a large 8 seat table with 4 captain chairs and a 4 seat couch. Opposite the table is a large entertainment center cabinet which houses the electronic components for a high-end sound system, in-air internet service, in-air cell phone service, two iPod® docks, internet music and broadcast services, Kaleidescape® which stores hundreds and thousands of videos, such as movies, television shows, home videos, and business presentations and a

(Continued next page)

EdenJET™

component that provides all the cable and satellite TV channels from your home that you can view on the plane TVs. There are a number of touchscreen, total operation remote controls around the plane which simplify operation of all of the entertainment features. These high-end electronic components then feed high-end flat screen TV's, and high-end speakers throughout the plane. The sound system is of super quality stereo that would rival any home stereo system. Headphones are also available throughout the plane. On top of the entertainment center cabinet is a 26 inch flat screen TV and on the back facing bulkhead are two 40 inch flat screen TV's. These 40 inch TVs and the 40 inch TVs in Section 4 are a first in the aviation industry. SCI Aviation did the FAA crash tests for FAA approval.

The top of the entertainment cabinet provides a 30 inch wide by 12 feet long food serving countertop. To the side of the entertainment center is a 3 seat couch. On each end of the 8 seat table couch are storage cabinets with tops that double as lamp tables. The lamps provide a living room ambiance. These storage table tops also provide extra food serving areas.

The EdenJET™ has a Rockwell-Collins Air Show 4000 flight information system that is integrated with the cabin entertainment video monitors for up-to-the-minute flight tracking and flight information.

The heart of the audio and video entertainment system is a state-of-the-art AMX® control system and an advanced AMX® audio/video matrix switcher. This allows any audio or video source to be channeled to any of the video monitors in the aircraft and any audio listening device including wired and wireless headphones and zoned, cabin-wide high-performance speakers.

A feature that makes this cabin entertainment system truly unique is the inclusion of powerful 1500-watt subwoofers throughout the cabin delivering unparalleled sound depth and a club-feel to the aircraft audio experience. With all this, it is a good thing the plane is big enough for dancing.

Section 4, The Owner's Parlor has 4 high-end captain chairs that have pop-out foot stools, cup headrests and recline. Between the 2 captains chairs on each side is a fold-out table. The back facing bulkhead has two large 40 inch flat screen TV's that rise out of a box on electronic lifts.

Section 5, The Couch Socializing Area contains two large 4 seat couches, each with tables that lower to be used as a foot stool or raised to be used as a food and beverage table. It also has airline-type overhead storage.

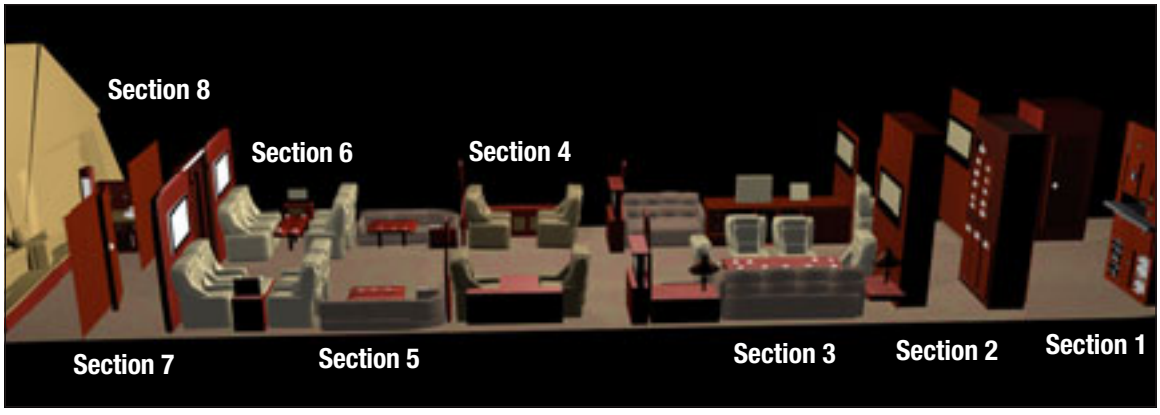
Section 6, The Dinette Area, has two full sized dinette booths which each seat 4 people with a table in the middle that lowers to become a foot stool or raises to become a full dinette table. This section has a 17 inch flat screen TV on the bulkhead end of each table and the front facing bulkhead has two 30 inch flat screen TV's. This section also has airline-type overhead storage.

Section 7 contains a large aft galley along with closets and other storage areas. This aft galley area also has a command-center touch panel to control the cabin audio and video systems.

Section 8 contains a large, luxurious lavatory.

The EdenJET™ seats 29 passengers in sec-

(Continued next page)



tions 3 through 6, plus 2 flight attendants in Section 2 for a total of 31 seats.

The EdenJET™ is available in 3 models: The Boeing 737-200 Model for 7.5 million; The Boeing 737-300 Model for 12.5 million and The Boeing 737-500 Model for 14.5 million. These are the prices for the standard EdenJET™ interior and entertainment components at the current costs. Any modification additions are extra cost per the extent of the modification. Any deletion of items will reduce the cost.

Until now, businesses or individuals who wanted a large private jet were left with the following choices. They could get a used Boeing Business Jet® (a 737) for the average price of $30 million dollars. They could get a new Boeing Business Jet® with a price of $72 million dollars. They could also get the MD conversions which typically cost $15 million dollars. Other alternatives include the largest Gulfstreams®, Falcons®, and Global Expresses® which seat a maximum of 16, which cost anywhere from $25 million used, to $55 million new, but these are very small and cramped compared to a Boeing 737. The large, newer jets of course have better fuel efficiency. But, for $20 to $40 million dollars more, you can buy a lot of fuel for that amount of money.

SCI Aviation has gone through the development of all the FAA approved engineering that went into the production of the EdenJET™ and buys all the materials in quantity. Therefore, SCI Aviation is able to produce the luxurious EdenJET™ for much less cost and time than anyone else trying to produce these luxury jets themselves.

The EdenJET™ is so comfortable, convenient, and fun to ride in that the hours fly by on long trips. The most common comment from new passengers is, "I don't want to get off. Let's just fly around some more."

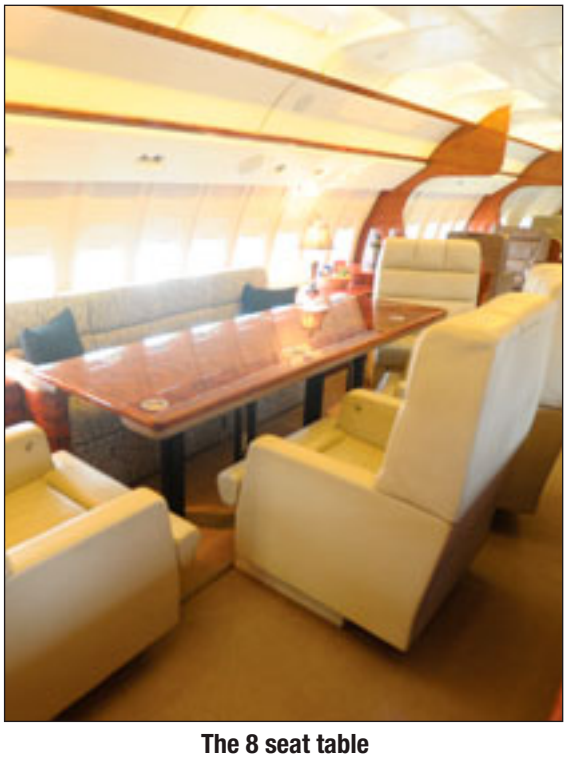
SCI Aviation is a division of SCI which has been in business for 44 years and is larger than 99.7% of all business's in the nation. The Management Staff of SCI Aviation includes former airline pilots, FBO operators and aviation engineering experts.

For more information on the EdenJET™ call toll free 1-888-302-1280 Ext. K0526, or log on to EdenJET.com.

(See more photos next page)

Section 3 -
The Conference, Game and Dining Area

Entertainment electronics component center and food serving top



The 8 seat table

EdenJET™

Section 4 - The Owners Parlor

Section 5 - The Couch Socializing Area

Section 6 - The Dinette Area

Section 8 - Rear Luxury Lavatory

Get Happy!

Something new to worry about.

BY WESLEY J. SMITH

Is there no end to the technocratic impulse? Just when you thought that our government overlords couldn't find any new way to intrude into our lives, they hatch a plan to multiply bureaucrats. Now cooking on the Obama stove: criteria to measure our "happiness."

Happiness? What business is that of the government's? None. But when has that stopped the Obama administration? The *Washington Post* reported that Obama's Department of Health and Human Services is funding a gaggle of "experts" to "define reliable measures of 'subjective well-being.'" Not coincidentally, one of the leaders of this field is Obama's chief economic adviser, Alan Krueger. Economic adviser today, but tomorrow? Happiness Czar!

Defining measures of subjective well-being is only the first step. The *Post* reports, "If successful, these could become official statistics." Once the government decides what makes us happy and begins to collect data and publish statistics about how we are doing happiness-wise as a society, the inevitable next step will be to uncover a crisis, which new policies and bureaucracies will be required to cure.

Think of the opportunities for demagoguing. Some sectors of our society will undoubtedly be determined to have less happiness than other sectors. Let's call it "happiness inequality." That will require the government to pass laws and promulgate regulations to close the "happiness gap." Once we head down that road, the buttinsky possibilities become endless. Think Independent Happiness Advisory Board.

Wesley J. Smith is a senior fellow at the Discovery Institute's Center on Human Exceptionalism.

The "happiness entitlement" meme has already been accepted in very high places. David Cameron, conservative prime minister of the United Kingdom, is already pushing for his government to track the happiness of British citizens. As the *Guardian* reported, people in the U.K. will soon be "regularly polled on their subjective well-being, which includes a gauge of happiness" and also "how well they are achieving their 'life goals.'" And

Of course they're happy—it's Bhutan!

lest we doubt that ideological values will drive the happiness entitlement society, one of the measurements for assessing "the psychological and physical well-being of people around the U.K." will be "how much recycling gets done." France and Canada have similar projects afoot.

Bhutan, of all places, leads the emerging international happiness drive. A few years ago, the country established a Gross National Happiness Campaign that is empowered to veto proposed laws it deems would impede happiness. Already, the commission has supported restricting tourism to facilitate "the promotion and preservation of [Bhutanese] cultural values." The smiley-face bureaucrats also supported using happiness as a reason to ban the sale of cigarettes.

Considering the power that could accrue to such a commission, we should not be surprised that the United Nations has jumped into the happiness game. Recently, the General Assembly unanimously passed Resolution 65/309—"Happiness: towards a holistic approach to development"—which states that the "pursuit of happiness" is a "fundamental human goal."

Sounds like the Declaration of Independence, except for a crucial difference. The declaration proclaims that we have an inalienable right as individuals to pursue happiness. It does not say we have a right to be happy. Nor does it presume that it is the government's job to make us happy. Rather, the declaration affirms the right of people to establish a government that is sufficiently limited in power to leave us room for the pursuit according to our own unique circumstances and desires.

The U.N., however, is not about limited power. Indeed, as conceived by the technocratic community, the pursuit of happiness would take us in exactly the opposite direction from the American model. Rather than limiting government, the U.N. would use happiness as a justification for increasing the power of lawmakers and regulators to thwart prosperity—think global warming—and constrain personal freedom.

Thus, Resolution 65/309 claims that measuring "the gross domestic product . . . does not adequately reflect the happiness and well-being of people in a country," and the international community and national governments should be "conscious" of "the need for a more inclusive, equitable and balanced approach to economic growth that promotes sustainable development, poverty eradication, happiness and well-being of all peoples." Yikes!

Ironically, a recent study conducted by scientists at the University of California, Berkeley, shows what it takes for us to be happy—and it ain't big government. According to an account in the *San Francisco Chronicle*, it takes three things: "feeling grateful for the good things in your life, taking time with your family, and using every opportunity you can to help others." But then, you don't need to be a Berkeley scientist or government bureaucrat to know that. ♦

WEEKLY STANDARD PHOTO ILLUSTRATION; PHOTO, STEVE EVANS

A Health Insurance System that Works

Why does the market function better for pets than for humans? BY ELI LEHRER

Around the time Lisa Mulhearn's Old English Sheepdog, Goober, turned 12, a veterinarian discovered a bone tumor in his nose. The doctors at Red Bank Veterinary Hospital in Tinton Falls, New Jersey, gave Mulhearn a grim prognosis. Without expensive chemotherapy treatment, her dog—the newly divorced woman's "best friend"—would die a painful death.

But Mulhearn had purchased an insurance policy for Goober. The policy let her stay with her vet, pick whichever hospital she wanted, and decide between treatments ranging from a costly, good-enough-for-humans, pinpointed radiation to older, more-common-for-animals, unfocused treatment. She weighed the options with the care and concern of a deeply worried parent. "The premium treatment would keep Goober at the hospital for the daily treatments—he had been a pet store dog and not the most stable mentally," Mulhearn explained via email. "Knowing I was doing this to keep him with me, I didn't want him to spend what could be his last few months at the veterinary hospital. I decided weekly treatments would be best."

It wasn't easy. Much of Goober's fur fell out and his vision failed in one eye. But the treatment worked. The tumor got small enough for doctors to remove. And an insurance policy that cost around $80 a month covered a large chunk of a bill that approached $20,000. Mulhearn, for her part, is thrilled with what she got: "no network requirements, no referrals, no hoops," she says in describing her insurance. Indeed, Mulhearn, herself covered by an HMO that required everything to go through a "gatekeeper," jokes that Goober had better health insurance than she did.

The contrast is instructive. The market for pet health insurance is a competitive one that offers many popular, desirable policy features—including many that politicians want to impose on the human health insurance industry. But it's not perfect. A detailed look at the market, the least regulated broad health benefits system in the country, suggests it would be impossible for the human health insurance system to simultaneously do everything people say they desire, contain costs, and follow purely market principles. This isn't a reason for free market health care reformers to despair but, rather, a cause for them to be careful about what they promise.

The positive aspects of the pet insurance market aren't trivial. For starters, it offers far more choices. Only 3 companies market individual health insurance in New Jersey, while at least 10 write policies for dogs and cats. And the pet insurance carriers offer plans with benefits to fit any budget. Almost all pet insurance policies provide the same coverage at any hospital or vet, whereas almost all human health policies have no or limited benefits for "out of network" care. While people over 50 can have a very difficult time finding individual health insurance at any price, coverage for older dogs and exotic breeds isn't a problem since several companies will write a policy for any dog or cat of any age. And many of the features politicians have felt themselves compelled to mandate in health insurance plans are provided by pet carriers as a matter of course. Even very cheap policies often throw in some "wellness" coverage that discounts routine tests and checkups. And the pricing schemes are also more attractive than those in the private individual health market. Although pet insurance premiums rise yearly as individual pets age and veterinary costs go up, many pet insurers don't increase them on the basis of claims history, and most promise never to drop coverage no matter how sick a pet gets.

All these attractive features exist in a market with far, far fewer rules than the health insurance market for human beings. Each of the 50 states regulates pet insurance underwriters to make sure they can pay the claims they reasonably expect to receive and the entire industry to make sure it uses legally allowable insurance contracts. (Most regulators treat it as a form of the "inland marine" property and casualty insurance used mostly to cover trucking.) This treatment of pets as property—which is how the law usually treats them otherwise—explains a lot of the pet insurance marketplace's success and also sheds light on its limitations.

And these limitations aren't insignificant. Most important, widely held values make it praiseworthy to euthanize animals facing reduced future "quality of life" but rule out doing the same to humans, even though the inability to cut costs by speeding death almost certainly requires that human health insurance have a benefit limit much higher than that of most pet plans and, thus, higher front-end premiums. Most pet insurance policies top out below $20,000, and that certainly contributes to making them easier to buy. More relevant to the current political debate over human health insurance, no pet insurer offers coverage for preexisting conditions, while American human health insurers are required to do so for most people in group plans now and will have to for everyone else starting in 2014.

Benefits are also scantier in some

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cases. While typical human group health insurance plans cover all or almost all charges for "in network" care after policyholders meet a deductible and make co-pays, typical pet insurance policies cover 80 percent of charges associated with a disease or injury. Most pet insurance policies also exclude a variety of expensive-to-treat conditions, including cancer. (Mulhearn paid for additional coverage.) The market also differentiates pricing a great deal on the basis of breed. Chris Ashton, CEO of mid-sized pet insurer Petplan, says his company will charge up to 500 percent more for high-risk purebred dogs. Most people who own pet insurance policies also have to pay bills in full upfront and wait for reimbursement. And this self-payment system, contrary to some attacks on "third party payment" in the human system, hasn't contained costs. Between 2000 and 2010, they rose 48 percent for human medical care and 79 percent for vets.

But the market alone has provided solutions to once-vexing coverage challenges. For example, coverage for hereditary conditions common to certain breeds was almost impossible to find 15 years ago, but, thanks to improved insurance rating methods, is offered by almost all major pet insurance carriers today (often for an added cost). But other annoyances seem unlikely to change. Since so few pets have insurance (no more than 3 out of 100 and maybe only a tenth of that by some estimates), animal hospitals and vets have no incentive to take care of paperwork for customers the way doctors typically do.

Some "problems," however, cannot be considered market failures in the economic sense. Benefit limits—which exist on all property insurance policies—are a part of the regulatory package states use to carry out their role of ensuring property insurers can actually pay promised claims. Insurance, by its classical definition, is a product people purchase in *anticipation* of a potential loss: Pet health insurers don't cover preexisting conditions for the same reasons auto insurers won't spring for repairs for a car that's already in the shop, life insurers won't underwrite people at death's door, and modern human health insurers have never voluntarily sold products that cover preexisting conditions. (In opinion polls, upwards of 70 percent of Americans, nonetheless, think they should.) Costs for veterinary care have also risen at a rate even faster than they have for human care largely because new and expensive technologies have become available. Likewise, pet insurance plans remain affordable and accessible to everyone largely because many of them exclude so many expensive treatments.

An online pet-insurance primer

Markets, as they should, put a dollar value on everything. The pet health insurance market does this well by literally treating pets as property. And this isn't bad for animals or their owners. When it comes to certain aspects of human health—even serious but not life-threatening events like contracting shingles or breaking a leg—such personalized cost-benefit thinking that treats individuals' bodies like pieces of personal property might serve Americans and the medical system far better. Many "wellness" benefit mandates that even many conservatives assume the government must impose also seem to emerge naturally if the pet insurance market is any guide. But when it comes to the most consequential and costly parts of medical care—cancer, HIV/AIDS, and agonizing end-of-life decisions—a look at the pet insurance market suggests a purely free market will not provide the things people tell pollsters and politicians they want.

For all its cold market-like thinking, the pet insurance market still produces an enormous share of heartwarming stories. Goober, for his part, lived two extra years as a result of the treatments insurance helped his owner afford. "When we said goodbye to Goober," Mulhearn says, "it was old age and the loss of muscle and use of his rear legs that took him. It was [the insurance policy] that made him a cancer survivor."

Pet insurance offers an important model for human health care reformers to learn from. And, where it falls down, it isn't because markets are flawed, bad, or immoral, but rather because certain aspects of human health simply transcend the economic. ♦

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The Lady with the Popular Front

France's rightists have grown too big to ignore

By Christopher Caldwell

The French prefer "tenacity" to "cooperation" by a measure of 51-44 percent, according to a poll about political attitudes published this election season. By 57-41 percent they like "hard work and courage" better than "social justice and solidarity." Such attitudes have not been widespread in France since the war. On Friday, Dominique de Villepin, the foreign minister who led France out of the Iraq war coalition in 2003, professed himself "frightened" of France's right-wingers. As Attorney General John Mitchell said of the United States in 1970, "This country's going so far to the right you're not even going to recognize it."

Marine Le Pen

Present-day France, in fact, has just the problem that the United States faced in Mitchell's day. An increasingly angry public, gripped by a sense of peril and decline, is going to wind up ruled by an elite that shares few of its preoccupations. In the first round of France's presidential election on April 22, Socialist candidate François Hollande edged the Gaullist incumbent Nicolas Sarkozy. But the story of the election was third-place finisher Marine Le Pen, who took 18 percent of the vote at the head of the National Front (FN), the post-fascist party her father founded. Sarkozy's UMP shares many preoccupations with the Le Pens' FN. But neither party can embrace the other. When the second round is held on May 6, pitting Sarkozy against Hollande, most expect Hollande to become France's first Socialist president since François Mitterrand, who took office the same year as Ronald Reagan.

How did Hollande convince French voters that he was their ideal leader? He didn't. He sat around not being Sarko, as the president is called. An exit poll found 38 percent of Hollande's voters chose him because they like him; 60 percent picked him because they dislike Sarko. This may be good news for Mitt Romney, but it is not good news for France.

All Western social democratic parties have, over the past generation, made the transition from the factory floor to the faculty club. American Democrats and French Socialists have gone farthest, and now have scant support among the working classes they were built to represent. Intellectuals—like the anthropologist Emmanuel Todd, who has called this "the most important election of the postwar period"—can get excited about the fate of the Socialist party, but no one else can. The Socialists are the party of *les bobos*—a word coined by David Brooks in The Weekly Standard as shorthand for "bourgeois bohemians" but which is now much more commonly heard in French. Professors, minorities, the mega-rich, single women, and government employees … these are the core of the coalition. It is arguably mightier in France than in the United States because the state is mightier. Government spending takes up 56 percent of GDP.

What traditionally made the Socialists weaker in France than the Democrats in the United States was the general disorganization of French political life. This year,

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however, the Socialists took two pages out of the Democrats' playbook. Inspired by the Obama-Clinton contest of 2008, they held the country's first-ever presidential primary, which muscled offstage the tiny Trotskyite splinter groups that often fragment the left-wing vote. And in last week's first round, they undertook France's first large-scale get-out-the-vote effort. According to the website rue89, activists say they knocked on 3,675,855 doors. No group of voters can be organized quite as efficiently as residents of welfare housing. So it was in ghettos, or "sensitive neighborhoods," as the French call them, that the Socialists registered their biggest gains. Around Lyon, according to *Le Monde*, Hollande got his top score in La Velette, which is the poorest, the youngest, and one of the most heavily immigrant sections of the metropolitan area. In notorious Vaulx-en-Velin, the hometown of the late terrorist Khaled Kelkal, where the Palestinian flag often flies over the mayor's office, Hollande raised his party's score from 39 to 44 percent.

Hollande's platform is nugatory. Next to it, Bill Clinton's 1996 "micro-initiatives" look like the Sermon on the Mount. Hollande wants to cut ministers' salaries. He has a complicated kind of apprenticeship program that permits one senior citizen and one new hire, if they happen to be found in the same company, to pair up and apply for a modest tax reduction. He wants to undo parts of the legislation whereby Sarkozy, in the hardest-fought political battle of his term, managed to raise the retirement age from 60 to 62.

But Hollande's main focus is the European Union. He may be the most pro-EU politician in France. He was the protégé and political heir of Jacques Delors, father of the euro, the most ardent Europeanist of his generation. As his mentor's invention has led the continent into a world of pain, Hollande has become Europe's leading proponent of "growth." That may sound like nonsense—who, after all, is *against* growth? But in the context of the bailouts, "growth" has specific meaning. Twenty-five European countries agreed to a pact in Brussels last winter to bring their budget deficits under control. In Hollande's vocabulary, this is "austerity," and the EU has too much of it. What they need instead is "growth," which is Hollande's word for government spending. Hollande's adviser Jean-Marc Ayrault, a possible future cabinet minister, frets that the French savings rate is up to 17 percent. That is money the state needs to get its hands on in order to "invest."

Economists (not to mention the *Economist*) think Hollande is going to be a catastrophe for Europe. They are probably wrong. Not because Hollande is wiser than he lets on but because markets have likely already priced this fiscal laxity into the euro and because Hollande's policies are not as different from Sarko's as they look.

The European Union has managed to dismantle democracy at the national level without reconstructing it at the transnational level. It no longer does justice to the problem to say that the EU has a "democratic deficit." It is more accurate to say that it has an "antidemocratic tradition." We should not flatter the French by assuming that this is their biggest gripe with the EU. Their biggest gripe is that it is capitalist. When the French and the Dutch voted overwhelmingly in 2005 to stop further European integration in its tracks, it was because they detected a free-market, race-to-the-bottom, welfare-state-eroding bias in the way its institutions were set up. And they were right.

Sarkozy and Hollande are both dyed-in-the-wool Europeans. Hollande's entire political career rests on the building of Europe. When French voters said no in that 2005 referendum on a proposed EU constitution, it was Sarkozy who connived to adopt the essence of the constitution via bilateral treaties. The problem for both men, and for their parties, is that their European agenda is dependent on voters who dislike the whole idea of a European Union. And they can win these voters only through empty promises. Sarkozy has promised in the course of the campaign to renegotiate the Schengen treaties, which allow passport-free travel from one European country to another. No one believes he will do it. Hollande's pledge to renegotiate the deficit pact to France's benefit is probably another such promise. His advantage over Sarkozy is that he has not yet served the term as president that will teach the public to doubt his word.

But the French public now has an alternative. For many years the National Front was a fringe element of French life, a holdover of the antidemocratic French right of midcentury. An American used to hearing commentators describe as "scary" such characters as Sarah Palin and Paul Ryan might assume that the French were only ever *pretending* to be scared by the party's founder, Jean-Marie Le Pen. But that is not true. In a nation that collaborated with the Nazis and reestablished a democratic republic after the war only with considerable difficulty, Le Pen was a man of antirepublican sentiments. There was a lot of putschist, authoritarian activity in France in the 1950s, and it was common to hear that France's natural form of government might be "Latin," like the regimes of Franco in Spain and Salazar in Portugal. Charles de Gaulle was able to establish the Fifth Republic in 1958 only by making certain concessions to this sentiment. Protecting that republic, meanwhile, required foiling a coup attempt. You do not need to be a neurasthenic with a finely calibrated moral sense and a degree in peace studies to figure out why Le Pen scared people. All you need to do is read *The Day of the Jackal*. That is why there was a so-called *cordon sanitaire* around Le Pen and the Front that did not exist

around the rather large French Communist party. No self-respecting party could form coalitions with it.

But by the time Jean-Marie Le Pen got 17 percent of the vote in the first round of the presidential election in 2002, this antirepublicanism was a spent force, and the party was almost entirely "pretend scary." A lot of beliefs about the National Front, because they comforted the self-regard of elites, flourished unexamined. One was that the National Front was motivated mostly by questions of immigration, race, and crime. Jean-Philippe Moinet, former president of a watchdog group called the Observatoire de l'Extrémisme, wrote this week of "the connection between immigration and insecurity, the explosive cocktail that is the trademark of all extreme-right movements."

In fact, the major preoccupations of the National Front in recent years, and especially since the party was taken over by Marine Le Pen 18 months ago, have been the erosion of French democracy by the European Union and the erosion of the French economy by globalization (of which immigration is certainly an aspect). The FN has become a protectionist, anticapitalist party of the dislocated working classes. Nonna Mayer, an expert on extremism at the Institut d'Etudes Politiques in Paris, estimated this week that Marine Le Pen had won the allegiance of 35 percent of the working class. Polls taken shortly before the first round showed her the top votegetter among the youngest voters.

François Hollande

Nicolas Sarkozy

HOLLANDE: MATTHIEU RIEGLER

And the FN is not the only such party. Jean-Luc Mélenchon's Left Front, which got 11 percent of the vote, also distrusts the EU and the capitalism it represents. Mélenchon was willing to encourage comparisons to the National Front a year ago, when he debated Ms. Le Pen on national television, as if the two were candidates in the same primary. Today he seeks to distinguish himself from Ms. Le Pen by extolling France's racial diversity. One might look at the two parties as extremist wings that sometimes overlap, as left and right did so dangerously in Europe in the 1920s and 1930s. But Le Pen and Mélenchon are not as different as that, and there is something we need to be conscious of. The extremists in olden times were extremists because they took the view that democracy was not up to the challenges of the day. Mélenchon and Le Pen, whether you like them or not, are calling for more democracy, not less.

French politics has been moving towards an impasse for years because both the main parties have won reelection by promising more than they could responsibly deliver. Since the financial crash of 2008, they are running by promising more than they can deliver, period. So all promises disappoint, and as they disappoint, the main parties leak voters.

In this election, the leakage has reached the point where neither the Socialists nor the UMP can elect a president without appealing to the voters of the National Front. While the Socialists will have an easier time proposing protectionist measures, Sarkozy's UMP, on all other matters, has a bigger policy arsenal for appealing to Le Pen voters. He can urge notifying the parents of minor children who want to get abortions. He can back a National Front proposal that, in adjudicating cases of police violence, there should be a "presumption of legitimate defense." An Ipsos poll shows that Sarkozy would get about 48 percent of Le Pen's people, versus Hollande's 31 percent.

There is one concession that would drop most of the Front's votes into the UMP's lap. That would be an agreement to form alliances with FN candidates in the legislative elections that are scheduled for June. Sometimes a Socialist or a UMP candidate gets knocked off in the first round by a Front candidate; by tradition, the *cordon sanitaire* dictates that Socialists and the UMP, as the case may be, vote for each other in the second round. Neither party could break the *cordon sanitaire* in this election without losing more of its members than it picked up. Socialists have anguished over whether it is proper to appeal to Le Pen's voters at all, dividing the Front into ex-Communists and bigots, and fishing for the votes of the former but not the latter. Sarkozy has mumbled something about how voting for Marine Le Pen was "compatible" with the Republic. But he cannot go further than that. His own spokeswoman, Nathalie Kosciusko-Morizet, wrote an anti-National Front book last year, in which she described the party as a "poison." Chantal Jouanno, the glamorous ex-karate champion and sports minister, has said she would vote for the Socialists in any election that pitted them against the Front.

The upshot of this election's first round is a likely victory in the short term for the Socialists, but a larger long-term victory for the National Front. Sheer arithmetic is doing away with the *cordon sanitaire*, turning the FN into the natural political home for voters driven out of the two larger parties by an evolving economy. It may be turning the FN into the natural opposition party of France. ♦

Authentically Yours

Against his primary opponents, what looked like Romney's characteristic defect ended up serving him well

By Noemie Emery

"Authenticity" has been all the rage in the Republican primary season, which bounced back and forth from one extreme to the other, with the field neatly split between the five or six people who were all too authentic, and one who wasn't authentic enough. There was Mitt Romney, who was inauthentic as a politician and as a conservative, against six or so others whose authenticity was only too evident: Michele Bachmann, authentically provincial; Ron Paul, authentically cranky; Herman Cain, authentically ludicrous; Jon Huntsman, authentically condescending; Rick Perry, authentically unprepared; Rick Santorum, authentically preachy; and Newt Gingrich, authentically Newt. Except for Huntsman, whose first day was his best, and after that was authentically moribund (and Paul, who is a whole other story), each of the group flared up in succession, shone briefly, and then flamed out in the heat of the moment: All authentically not built to last. If you can fake sincerity, as they say, you've got it made, but authenticity may be a different matter, a double-edged sword that can wound the possessor. What is the right kind, and how can you get it? Let us look at these people, and see.

Mitt Romney has no fewer than three authenticity deficits: as a politician, as a conservative, and as what is known as a "regular guy," three things a viable GOP candidate ought to be able to be. To start, he is inauthentic as a politician because it's a second career for him: He is a businessman trying to play in a different ballgame, and finding his skills don't convey. "Politics is [his] second language, and he . . . speaks it awkwardly," said Michael Gerson. "His ploys are too obvious, his humor forced, his instincts unreliable." He doesn't take smoothly to small talk with strangers, alarms don't go off in his head to warn that today's phrase is tomorrow's damaging sound bite, he can't gauge the "feel" of an audience and provide an endearing response. He is the opposite of, say, Bill Clinton, described in Sally Bedell Smith's biography as "capable of constant emotional scans of everyone in the room in real time while he was thinking," and able to recognize, quantify, and respond to the emotional state of his listeners.

When Romney tries to engage, it is somehow off-putting: saying he likes to be able to fire people, saying his father once moved a factory out of a town that he was speaking in; telling a man who was out of work and who would be soon out of money that he too has been unemployed for some time. It would not have been hard to put off the renovation of his multimillion-dollar beach house in California (or cancel the car elevator that would be installed), but he went ahead anyhow, making an in-kind donation to Obama's campaign. His primary wins, ground out the hard way with grit and endurance, were often drowned out the next morning by a faux pas made by himself or his aides. Authentic enough in his role as a really good businessman trying and failing to be a good politician, he may find his best bet is to argue the businessman type is just what we need at this time in the Oval Office, to avoid fiscal disaster.

Romney is also authentically not a conservative, at least in the eyes of the truest believers who make up his party's base. The son of a moderate mid-'60s governor, he

IMAGE, THE WEEKLY STANDARD; FIGURE, HERMAN MEJIA

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is suspect by lineage, and his behavior since he began running for office has given them small cause for cheer. The problem is that he combines a pragmatic approach toward governing with a marketer's approach toward getting elected—giving the audience what he thinks it wants—on the theory that in order to do any good things in office, one has to *be* in it first. Running for the Senate in 1994 in blue Massachusetts (and successfully for governor of the state eight years later), he said he was pro-choice, pro-gay rights (but not pro-gay marriage), and was not aligned with the Reagan-Bush legacy. Running in 2007-2008 in the Republican primaries, he presented himself as the total conservative—pro-life, pro-business, anti-tax, pro-traditional marriage—against a field of men who in some ways were all viewed as heretics: John McCain, the perennial maverick, Mike Huckabee, the big government conservative, and Rudy Giuliani, the pro-choice, thrice-married mayor of Gotham. In 2012, Stuart Rothenberg noted that blocs of moderate primary voters who had gone for McCain in 2008 now voted for Romney, while Romney's conservative voters of four years ago had left him for others, and took this as proof of Romney's inauthenticity. In fact, it was likely a matter of contrasts: In 2008, a moderate voter might have preferred McCain to Romney, but found Romney acceptable, and then considered his 2012 rivals—Perry and Gingrich and Santorum—as beyond any possible pale.

Romney combines a pragmatic approach toward governing with a marketer's approach toward getting elected—giving the audience what it wants—on the theory that in order to do any good things in office, one has to be in it first.

Running a blue state between 2003 and 2007, Romney governed to the right of the campaign he had run, moved steadily in a pro-life direction, cut taxes and spending, and gave the state a more conservative government. Now he presents himself as an authentic pragmatic conservative, who sells himself as the market requires, who governs based on his business experience, who moved a blue state as far to the right as was humanly possible, and whose skills at financial management uniquely equip him to achieve the conservative goals of cutting back spending, reforming entitlements, and reviving a broken economy. This makes him an operational conservative, whose works bend the world in a rightward direction, but without the ideological grounding underneath. The question is, is this sufficient? The answer may be yes, and no.

Gradually, many conservatives came around to the view that a pragmatic conservative was the best they'd be able to get this season, and that it may not be all that bad. "Romney is instinctively not necessarily a political conservative, he's instinctively a problem solver," said Jim DeMint, who has semi-endorsed him. "Romney is temperamentally conservative, but not particularly ideological," Gerson wrote. "He reserves his enthusiasm for quantitative analysis and organizational discipline. He seems to view the cultural and philosophic debates that drive others as distractions from the real task of governing—making systems work."

Are there models for this? Yes, there once were: Back in the day, popular presidents such as Dwight Eisenhower and John Kennedy were the ultimate pragmatic centrists, not only indifferent to ideology but biased against it, regarding it as an emotional affliction of unstable and dubious minds. Romney, whom Michael Barone has described as a cultural product of the Eisenhower-JFK era, may also belong to their political model, one in which centrists were the plausible heads of the "right" and "left" parties, and the social issues and the wars that went with them had yet to emerge. In that age, battles were held more often within, and not between, parties, and though the two presidents differed greatly in style—as did Adlai E. Stevenson and Richard M. Nixon—there was little daylight between their ideas. Eisenhower and Kennedy did have a "core" (as does Romney), which is their unquestioned love of their country, but they paid little heed to party and ideology. An authentic businessman who pushed himself into the public arena, an authentic pragmatist from the '50s and '60s in a more polarized setting, Romney seems a little at odds both with his time and the more passionate wings of both parties. And this, with his luck, makes him seem like a stranger: He may be simply too good to be true.

Rich men abound, but Mitt Romney has had a level of luck seldom seen in our candidates for high office: Handsome and rich, with a stunning blonde wife and five presentable sons, from a famous, close, loving, and privileged family, he has been lucky and successful all his life. Did we mention rich? His problem on that front is not authenticity. As Gerson put it, "His problem is political. He talks about money as though engaged in a discussion with his stock broker. So $374,000 from paid speeches is 'not very much.'" The stunning blonde wife drives "a couple of Cadillacs." He doesn't know much about NASCAR, but he has friends who own the cars. He proposed to Rick Perry a $10,000 bet. He's far from the only rich man to run for president, yet he seems

less at ease with his riches than did other wealthy candidates, and one can think of three reasons why: Unlike the Kennedy brothers and Roosevelt cousins, who lived on trust funds and went into public life in their twenties, he made his own money, and spent much of his life doing so. Unlike his father, who made cars, or the elder George Bush, who went drilling for oil, he was an investment banker who made money with money, which seems less substantial. And there may be a third reason, concerning a rare form of privilege that comes to few of all classes. Unlike the Roosevelts, Bushes, and Kennedys, he has had a life unmarred by most kinds of misfortune—an unruffled run of good luck.

The Roosevelts, Bushes, and Kennedys never knew what it was like to be one paycheck away from utter privation, but they were abundantly damaged by pain and bereavement and reminders that life is unfair. John Kennedy and the elder George Bush were chauffeured to private school in the depths of the Depression, but they also belonged to a war generation, joined the armed forces as soon as was possible, nearly drowned when their vehicles were sunk or shot down by the enemy, and saw friends, comrades, and relatives die. Franklin Roosevelt had polio, a famously terrible marriage, and long separations from the woman he loved. Theodore Roosevelt struggled with asthma, and at age 25 had been so shattered by the sudden and simultaneous deaths of his wife and his mother (the latter at 48 still a stunning young woman) that he fled to the West to hold on to his sanity. Franklin Roosevelt, John Kennedy, and the elder George Bush buried very young children; and Kennedy was part of his family's struggle to raise his retarded sister as normal, a struggle it finally lost. George W. Bush was a failure until he was 40, and almost became one of a long line of dynastic children, starting with the sons of John and John Quincy Adams, who were destroyed by depression and alcohol. John Kennedy had gone through such stress in his earlier years—repeated hospital stays, back pain, and adrenal gland failure; war, PT-109, and the deaths of his brother, sister, and brother-in-law—that he was a basket case by the time he reached 30, and took several years to regain his élan.

Kennedy, the grandson of a mayor and son of a millionaire and holder of high public office, campaigned in poor neighborhoods and talked of the war and his dead brother. His mother, who wore couture from the great houses of Paris, talked to other Gold Star Mothers from poor families about their dead sons. Romney has no similar point of entry into less privileged lives. He did not go to war, did not bury a spouse or a child, did not lose a close family member at a young age. He went from riches to riches and success to success, his life interrupted only by two lost elections—in 1994 and in the 2008 primaries—in which he didn't disgrace himself, and set himself up for future campaigns. This is not life as even many rich people have known it, untouched by rejection or failure. The country may vote for a poor politician, it may even vote for a non-true-believer. Can it love someone too good to be true?

Maybe so. Dinged as he is by his luck and his money, Mitt is still with us, which is more than one can say for his rivals, who were much too authentic to last. Huntsman shot himself in both feet at the very beginning, choosing to insult and demean his own voters, thereby becoming the darling of anticonservatives, sitting for an adoring profile by a liberal writer that appeared in a magazine run by an Obama fundraiser, an intellectual journal called *Vogue*. For some of the rest, a few words would do it: Michele Bachmann did herself in via "government injection"; Herman Cain with "Ubeki-beki-bekistan" (and bimbo eruptions); Rick Perry with "oops." Egocentric to a degree considered noteworthy even in politics, Newt Gingrich is authentically grandiose and eccentric, having compared himself over time to Ronald Reagan, Margaret Thatcher, Henry Clay, Abraham Lincoln, Woodrow Wilson, and Sir William Wallace of *Braveheart* among many others, and also of course to Sir Winston S. Churchill, whose wilderness spells and troughs of misunderstood greatness he seems to think mirror his own. The next non-Mitt in line was Rick Santorum, authentically a moralizing scold, or, as Wes Pruden put it, "There's a tiny priest living in Rick Santorum's trim, toned body, struggling to get out." From time to time, this priest emerged and managed to tell us that (a) Satan perverted our national culture; (b) as president he would address the moral evils inherent in family planning; (c) mainline Protestant churches were no longer Christian; and (d) John Kennedy's speech in 1960 to the Protestant ministers put the nation "at risk" of moral destruction through the complete separation of church and state. There were more politic ways to refer to the assassinated president's speech—such as, "With all due respect, I think he was mistaken"—but Santorum decided to be more authentic, saying on national television, "That makes me throw up." Soon after this he lost his lead in Ohio, Illinois, and Wisconsin, and that spelled the end of his campaign.

As their campaigns fell apart, Santorum and Gingrich also emerged as authentic complainers, blaming their woes on the cosmic unfairness of having a better-funded opponent run ads using their own words against them, ignoring the fact that those words were out there to be used against them owing to nobody's fault but their own.

The lesson in all of this? That authenticity isn't always an unalloyed blessing. And that it may be better to be just a touch inauthentic than authentically something that people don't want. ♦

NEWSCOM

It's Still Her Courtroom

The jurisprudence of Judge Judy. BY CHARLOTTE ALLEN

Like many members of America's "cognitive elite" (I've got a string of fancy degrees to prove it), I've taken the "How Thick Is Your Bubble?" quiz in Charles Murray's *Coming Apart*, which explores the brainy upper crust's alienation from the dimmer and poorer *lumpenproletariat* that lives in trailers and deems crystal meth, not appletinis, its recreational drug of choice.

My score on Murray's test was a mere 22—signifying a dense enough elitist bubble encasing my skull to leave me puzzled as to why, if I'm so smart, I'm not rich enough to live in one of those leafy "Super ZIP Codes" (as Murray calls them) where my fellow members of the ruling class make their cavernous homes and send their offspring to those five-figure-tuition private schools that train the little ones to run the country while voting liberal-Democratic, just like their parents.

One question in the quiz stopped me short, however: "Have you ever watched an *Oprah*, *Dr. Phil*, or *Judge Judy* show all the way through?"

Nah on *Oprah* and *Phil* (way beyond my bubble)—but *Judge Judy*? My favorite show on television, not counting *Seinfeld* reruns! I'd watch *Judge Judy* all day long (and as a resident of the District of Columbia I practically can, with a full hour-and-a-half of *Judy* every weekday on two different local channels), except for the fact that I work at home and feel obliged to spend at least some of my time at my desk. I also can't take the pile-on, numbingly repetitive commercials at every *Judy* intermission for goods and services that I don't want: personal injury lawyers, automobile title loans, replacing your wall-to-wall carpeting with new and different wall-to-wall carpeting, Totino's frozen pizza (that's the stuff with the fake cheese), IHOP (the pancake chain that according to *Coming Apart* is down there with Applebee's as a "bottom 30 percent" restaurant destination), and most recently and strangely, the Susan G. Komen Foun-

Charlotte Allen is a contributing editor to the Manhattan Institute's Minding the Campus *website.*

dation's fundraising Race for the Cure. (Komen's Machiavellian strategy might be that since the lower orders cling bitterly to religion as well as guns, they might open their wallets to Komen as a recent target of an abortion-focused Planned Parenthood jihad.)

Judge Judy is a wonderful television show—and wildly popular (it's been the top-rated daytime syndicated program since 2009, when it first surpassed *Oprah*)—precisely because it affirms the very moral order that Murray argues has been abandoned in principle by the cognitive elite and in practice by those at the bottom of the socioeconomic ladder. Judge Judy is Judith Sheindlin, a onetime family court judge in Manhattan transplanted to a simulated courtroom in Hollywood where she "hears"—actually imposes binding arbitration on—an endless stream of "small claims" disputes involving relatively minor sums of money and parties willing to appear before Sheindlin and the cameras without a lawyer. *Judge Judy* litigation typically involves property vandalism (with the alleged culprit usually being an aggrieved ex-husband, ex-wife, ex-boyfriend, or ex-girlfriend of the victim), bounced checks, welshed-on loans, skipping out of premises without paying the rent, and auto accidents that often feature "open containers" of cheap beer on the floor of at least one of the involved vehicles.

Sheindlin wastes no time, minces few words, and evidences little sympathy toward either plaintiffs or defendants in these disputes. "I don't believe you!" she yells at a guy who claims that the car he totaled (which belonged to his now-former girlfriend) was mysteriously smashed by an unknown hit-and-run driver in a Walmart parking lot while he was inside the store shopping. "Did you tell your girlfriend this Walmart story?" Sheindlin quizzes the ex-boyfriend, who, according to the ex-girlfriend (suing him over the destroyed vehicle), had earlier told her he crashed the car into a tree after falling asleep at the wheel. "Judgment for the plaintiff for $3,000!" rules Sheindlin, banging down her gavel—and that's it. As she explains a few seconds later: "If the story doesn't make sense, it's not true."

Judge Judy grew out of a 1993 article about Sheindlin in the *Los Angeles Times* that was followed by a *60 Minutes* profile. Back then Sheindlin was the supervising judge in the Manhattan branch of New York's family court, a post to which she had been appointed by Mayor Edward Koch in 1986. There, spending ultra-long courtroom hours (she was famous for calling and hearing cases well after her fellow judges had gone home for the night) deciding the fate of abused and battered children as well as teens busted for drugs, muggings, and armed robbery, Sheindlin developed a reputation for acidulous and highly entertaining running commentary on the courtroom behavior of both alleged malefactors and their often underprepared lawyers.

"Don't pee on my leg and tell me it's raining!" she famously yelled at a youthful offender who claimed that he had started peddling drugs only after a close relative passed away. "Nobody goes out and sells crack because Grandma died!" shouted the incredulous Sheindlin. "Get a better story!" She titled the first of her five bestselling books *Don't Pee on My Leg.* Subtitled *America's Toughest Family Court Judge Speaks Out*, it was published in 1997, shortly after Sheindlin left the court for Hollywood.

Sheindlin was capitalizing on a sudden public taste for courtroom reality shows in the wake of the hugely watched O.J. Simpson murder trial in 1995. (She had also offended some highly placed officials in the administration of Koch's more liberal successor, David Dinkins, who had called for her head after she publicly excoriated a grandmother who had spent "kinship care" funds earmarked for her grandchildren to buy a house in Puerto Rico.) But the precise template for *Judge Judy* had actually been created, years before, in the wildly popular *The People's Court*, featuring a former Los Angeles County Superior Court judge, Joseph Wapner. Like *Judge Judy*, *The People's Court* dealt with minor league small claims cases in which the parties agreed to appear without lawyers and that Wapner's "judgment" would be final, with no appeals allowed.

In another foreshadowing of *Judge Judy*, the producers of *The People's Court* sweetened the deal for defendants—the people who potentially stood to lose by having Wapner rule against them—by agreeing to pay whatever monetary sums they were assessed, plus expenses. So when Sheindlin lowers her gavel and says, "Judgment for the plaintiff for $3,000!" the studio, not the defendant, forks over that amount—as was the case in Wapner's television tribunal years ago. Not having to pay a judgment out of one's own wallet gives defendants a strong financial incentive to have a television judge instead of a real judge hear one's case, and it guarantees a steady stream of litigants more than eager to air their disputes to the cameras—even if it earns them a Sheindlin tongue-lashing in front of millions of viewers.

The People's Court ran from 1981 to its 1993 termination, perhaps because audiences got bored with Wapner's slow-paced and avuncular courtroom demeanor. Judge Judy and her producers learned from that mistake: There is nothing slow-paced about Sheindlin's performance. Unlike Wapner, who typically called a brief recess before issuing his rulings, Sheindlin makes up her mind and enters judgment on the spot—a modus operandi that, coupled with nimble editing, enables each "trial" before her to last no more than 15 minutes on air, commercial breaks and all. Her hair-trigger brainpower obviously helps: Sheindlin, a Brooklyn native who never lost her accent, graduated from high school at 16 and from law school at 23. She likes to inform litigants who try to pull fast ones: "I didn't get heah because I'm goah-geous; I got heah because I'm smaht." (Which is not exactly true: The dainty and impeccably coiffed Sheindlin cuts an elegant figure in her signature lace-collared judicial robe, even at age 69.)

Judge Judy proved so successful—it now boasts six million viewers a day, beating out Oprah during her last season in 2009-10—that it has spawned numerous knockoffs: *Judge Joe Brown*, *Judge Alex*, *Cristina's Court*. Even *The People's Court* experienced a snappier reincarnation in 1997, presided over serially by Ed Koch, Sheindlin's husband Gerald

(a former New York judge himself), and, since 2001, Marilyn Milian, a onetime circuit court judge in Miami.

Judge Judy has its detractors, chiefly among lawyers who, back in Sheindlin's family court days, often chafed under her open impatience with lengthy courtroom arguments when she was trying to process up to a hundred cases a day. Philip Kimball, a student at Yeshiva University's Benjamin N. Cardozo School of Law, won a prize from the American Bar Association in 2004 for an essay criticizing *Judge Judy* and other gavel shows for "misrepresenting how the justice system works." Kimball deemed it misleading for the producers to import the trappings of real courtrooms—robes, bailiffs, and so forth—into televised arbitration. He called for "congressional regulation" that would mandate lengthy disclaimers so that audiences wouldn't get the idea that they were watching actual court proceedings and then feel confused the next time they showed up for jury duty and discovered that most judges can't crack a joke a minute like Sheindlin.

Complaints *à la* Kimball have had their censorious effect. The voiceover at the beginning of *Judge Judy* declaiming that "the people are real, the cases are real, the rulings are final" no longer adds the climactic "This is her courtroom." The show does, however, maintain the fiction that Sheindlin continues to operate out of New York, with stock footage of Times Square and Central Park preceding each studio "trial."

What makes *Judge Judy* endlessly fascinating isn't the procession of guys in fauxhawks and/or Todd Palin chin-hair arguing (as in this sample case) that they paid for $2,800 worth of dental work for their streak-haired live-in girlfriend and then got stuck with the bill and want their money back from the GF because she precipitously moved out after the dentistry. (Her counterclaim: "The dentures didn't even fit—I got screwed.") Sheindlin has little patience for this sort of heartbreak-hotel narrative: "It wasn't a loan, it was a gift! If it was a loan, there would be some paperwork." Bang goes the gavel. Case over.

Sheindlin's real interests, manifested by her probing questions in those directions, lie in the social, financial, and amorous disorder that underlies the dispute: the transience of the relationship, the fact that the GF in question had her two children under age 6 (from what? a marriage? a previous fly-by-night setup? two previous fly-by-night setups?) living with her and her denture-generous boyfriend when the bust-up took place. Children whose fathers' whereabouts are unknown are often at the periphery of *Judge Judy* cases. So are boyfriends who never seem to be the fathers of those children. When a woman locks her roommate out of the apartment for failing to pay her share of the rent after the first month, and the resulting altercation lands both roomies in jail for the night, one of the bones of contention is a "child's daybed" (plus an "entertainment center" and a "black leather couch") that mysteriously disappeared during the fracas. And as might be expected, "My boyfriend was there for the night," one of the gals testifies.

All this in a one-bedroom apartment!

The boyfriend's mother is often a key player in these come-and-go domestic arrangements, typically because her unemployed son and his equally unemployed GF (plus her baby by who knows) might be shacking up in her spare room—or she lends the GF $300 or so to pay for car insurance and then gets stiffed when the GF finds some other male companion. The mother, not having a visible husband herself but owning her home and maybe collecting Social Security, is an archetypal figure in those courtroom dramas, representing the last and most tenuous tie her aimless offspring might have with a previous generation's respectable world of paying work, financial stability, property ownership, and bills paid on time.

Sheindlin homes in like a GPS on those technically irrelevant—but to her all-important—issues. "You go get a job and support your baby!" she yells at the GF in the spare bedroom, adding as an aside to the studio audience, "You'd be surprised at how quickly people find some kind of work when they have to."

"You're not gonna let that woman take care of your children in the future, are you?" she asks the man who lent his blowsy babysitter his SUV while he was out of town, only to find the vehicle totaled on his return after she let her 20-years-younger boyfriend drive it into a ditch while the two were on a booze-enhanced afternoon outing.

"Cover up that belly button!" Sheindlin orders a teenage witness flashing a ring-pierced navel between her T-shirt and jeans. "You let your daughter dress like that for court?" she asks the girl's mother.

Part of the reason for these outbursts is that public humiliation is the only meaningful sanction that Sheindlin can exact from defendants who, thanks to studio incentives, won't have to pay financially for their derelictions. But another part is clearly genuine outrage. One of her cases involves a 19-year-old who lent her stepfather $2,500 out of her Pell grant (federal tuition assistance to low-income college students) so that he could buy new rims for his car wheels. The stepfather refused to repay the sum on the ground that she was reimbursing him for helping to support her while she was in school. "The government doesn't put $2,500 on your rims!" retorts an irritated Sheindlin. "That's not what I spend my money on a Pell grant for! Do you know who's paying for those rims? I am!"

Judgment for the plaintiff.

Such Tea Party-esque rhetoric doesn't mean that Judith Sheindlin is a Rick Santorum social conservative. In 2008 she officiated at the wedding of two gay men after the California supreme court briefly legalized same-sex marriage. But she is clearly concerned about the disintegration of the family and the devastating effect on children of the abdication of personal responsibility that a generous welfare system and an all-around loosening of standards have fostered.

What is encouraging is that *Judge Judy* has such a huge and enthusiastic audience. That suggests that, in at least one respect, Charles Murray is wrong. Those socioeconomic bottom-feeders that he writes about may have abandoned their moral moorings. But they continue to resonate to, and long for, the moral order that Judge Judy insists upon enforcing. ♦

B&A

Mysteries of Oslo

The tenuous relation of the Nobel Peace Prize to peace.

BY JOHN BOLTON

Peace, They Say
A History of the Nobel Peace Prize, the Most Famous and Controversial Prize in the World
by Jay Nordlinger
Encounter, 476 pp., $27.99

The Nobel Peace Prize is the world's most prestigious award, as Jay Nordlinger argues in this erudite and insightful history. He has written not only the go-to reference book for the prize and its laureates but also an important philosophical reflection on the nature of "peace" in modern times.

In most of the world, criticism of the five-person Nobel committee that confers the prize at its sole discretion is rare to nonexistent. Amidst the near-universal approval, however, there have been some controversial recipients: Theodore Roosevelt in 1906 (for brokering an end to the Russo-Japanese War, not for charging up San Juan Hill); George Marshall in 1953 (for his eponymous Plan, not for helping bring peace to Europe by winning World War II); Henry Kissinger in 1973 (although there were few objections to Le Duc Tho, his North Vietnamese co-laureate, who subsequently declined the honor); and Menachem Begin in 1978 (similarly few cavils, justifiably so here, about Anwar Sadat, Begin's peace partner).

In America, by contrast, not only were these Nobels much less controversial, they were generally quite popular. We more likely object to the likes of Mohamed ElBaradei (2005), head of the International Atomic Energy Agency and an apologist for Iran's nuclear weapons program, whom Nordlinger correctly tags as quite possibly the worst selection. Or Rigoberta Menchú Tum (1992), the Guatemalan activist and "author," as fraudulent a winner as there ever was, and a 500th anniversary knock on Columbus. And of course, Yasser Arafat (1994), a terrorist all his days despite frequent protestations to the contrary.

Jimmy Carter in 2002

And on it goes. International Physicians for the Prevention of Nuclear War (1985) was cofounded by Yevgeny Chazov, a member of the Soviet Communist party's Central Committee who, in 1973, helped launch the Kremlin's public campaign against Andrei Sakharov (ironically, the 1975 winner). The Nobel committee honored Mikhail Gorbachev in 1990 but declined to share the prize, as it had in analogous cases (two noted above), with Ronald Reagan, *his* fitting counterpart.

In 1995 Joseph Rotblat and the Pugwash Conferences on Science and World Affairs, an antinuclear moveable feast established by the pro-Soviet businessman Cyrus Eaton, won. How bad was the Pugwash movement? A former adviser to French president Jacques Chirac said it was "openly manipulated by the Soviets." Giving the traditional acceptance lecture for the Pugwashers on Presentation Day, December 10 (the anniversary of Alfred Nobel's death), was one of its officers, John P. Holdren—subsequently science adviser to President Obama. Maybe Obama doesn't really need to whisper sweet nothings to Dmitry Medvedev.

Oh, and a few more. Kofi Annan (2001), after heading U.N. peacekeeping operations during the Rwanda and Srebrenica massacres; Jimmy Carter (2002); Wangari Maathai (2004) for "sustainable development," one of those U.N.-style phrases that means everything and nothing; and Al Gore and the Intergovernmental Panel on Climate Change (2007). Notice how many of those came during George W. Bush's administration? And then, the crowning achievement: Barack Obama won in 2009 after less than a year in office. (We might well ask, when will Bill Clinton and John Kerry collect their Nobels?)

This continuing disparity between the predominant American reaction to the Peace Prize and the reactions of Europeans and others is vivid evidence of American exceptionalism. It underscores how the prize committee (elected by Norway's parliament and uniformly composed of Norwegians) has frequently embraced a different

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John Bolton, ambassador to the United Nations during 2005-06, is a senior fellow at the American Enterprise Institute.

concept of "peace" (and how to get it) than a large majority of Americans. We tend to like what the man carrying the Big Stick spoke softly in his Nobel acceptance lecture (in 1910, after leaving the White House):

> Peace is generally good in itself, but it is never the highest good unless it comes as the handmaid of righteousness . . . No man is worth calling a man who will not fight rather than submit to infamy or see those that are dear to him suffer wrong.

Theodore Roosevelt's tough-minded assessment of "peace" still stands out amidst the bromides typical in the prize's earlier days, and the generally hard-left rhetoric of so many laureates and the prize committee itself more recently. And in fairness, there are winners who have honestly labored diligently for peace, even if not necessarily in Roosevelt's mold, such as Finland's Martti Ahtisaari (2008), with his long record of public service at home and at the U.N. Moreover, many other undeniably worthy individuals have received the Nobel for peace, including Sakharov, Mother Teresa (1979), Lech Walesa (1983), Elie Wiesel (1986), the Dalai Lama (1989), and Liu Xiaobo (2010). Curiously, these winners are champions of human rights and the oppressed, not peace advocates or peacemakers.

Is the Nobel committee outside the bounds of its mandate in making such awards? It insists that human rights advocates are doing the work of peace because, ultimately, real peace cannot exist unless human rights are vindicated—a pious sentiment to be sure, but not historically accurate. Indeed, the frequent contradiction between defending human rights and maintaining peace has been all too vivid during the hard, bloody decades of the prize's existence.

So while we can applaud the Peace Prizers for recognizing and empowering defenders of freedom, they risk making the Nobel an award merely for the great and good, as defined by five unknown Norwegians. Given the European (and Nordic) zeitgeist, over the long term, the balance sheet will not work out congenially for America. The argument for a separate international honor for human rights is compelling, but one is unlikely to emerge with the luster emanating from the Nobel Peace Prize.

Moreover, there is a corollary question about what Alfred Nobel actually intended. Did he want awards made for activity "during the preceding year," as his will states? Or did he contemplate "lifetime achievement awards," as the judges (contemporaries of Nobel himself) decided in their very first, precedent-setting decision in 1901, honoring two laureates whose noteworthy work occurred decades before? The Peace Prize Committee has been all over the lot on this one, but its recent imperative to award prizes every year may be part of the problem. Nobel's will clearly does *not* require annual awards. Perhaps the Peace Prize Committee should consult with those who decide on the economics prize (which is not really a Nobel, as Nordlinger explains) and learn that restricting the supply would make each Nobel more valuable. Debasing the currency is no virtue.

While we can applaud the Peace Prizers for recognizing and empowering defenders of freedom, they risk making the Nobel an award merely for the great and good, as defined by five unknown Norwegians.

One of Nordlinger's contributions here is the trove of direct quotations from the laureates, members of the Nobel committee, and contemporary observers. His digging in the rhetorical salt mines provides us greater access and insight into the thinking surrounding the prize, letting the winners, losers, decision-makers, and analysts speak in their own words. This approach minimizes any carping that Nordlinger's personal views are too intrusive, and thereby makes his temperate recounting and judgments all the more compelling. And *Peace, They Say* goes on and on—better than *Bartlett's*.

Consider Jimmy Carter's prize in 2002. The committee chairman Gunnar Berge said expressly that Carter's selection "should be interpreted as a criticism of the line that the current administration has taken. It's a kick in the leg to all who follow the same line as the United States."

Fortunately, Nordlinger knows his Norwegian idioms: "Kick in the leg" is like saying "slap in the face" or "poke in the eye." So it's not just a knee-jerk reaction to believe that Carter's award was meant to embarrass Bush; it's the explanation offered by the chairman Peace Prizer himself!

Then take Wangari Maathai, the 2004 environmental laureate who said *after* being informed of her award: "I have no idea who created AIDS and whether it is a biological agent or not. But I do know things like that don't come from the moon. . . . I am sure people know where it came from. And I'm quite sure it did not come from the monkeys." (Fortunately for the Peace Prize Committee, Maathai later issued a statement repudiating the idea "that the virus was developed by white people or white powers in order to destroy the African people.")

If Norway has a watch list to detect undesirable foreigners trying to enter their country, Jay Nordlinger is undoubtedly on it. Not only has he said unkind things about the Nobel Peace Prize, he has said them in a devastatingly fair, thorough, and equitable treatment of the institution throughout its history. Had this book been a one-sided screed, the prize's acolytes would have far less trouble in scoffing or ignoring it. Unfortunately for them, *Peace, They Say* is irreproachably temperate.

Perhaps Nordlinger will next take on the Nobel Prize for literature! ♦

B&A

The Wiki-Poet

A brave new bard for the Internet age. **BY ELI LEHRER**

A complete understanding of Michael Robbins's poetry requires, in roughly equal measures, knowledge of modern academic poetry, its Romantic-era predecessors, seventies and eighties pop music, recent death metal, and *au courant* literary criticism. Knowing more than a little about hip-hop and *Star Wars* helps, too. So does having an analytic mind that loves to puzzle over some of the most interesting, engaging, and rigorous poetry being written today. And access to Google.

All in all, Robbins represents something new and even exciting: the first important poet whose work can be appreciated only with an Internet connection. But Robbins is a lot more than the first "Google poet." He is also a significant new poetic voice and, quite possibly, a living poet with a chance of developing a genuine popular following.

A bit about Robbins the man first. A Kansas native and newly minted University of Chicago Ph.D., he achieved a level of public recognition almost unheard of for a living poet after the *New Yorker* published the title poem of this new collection. Soon after it ran in the magazine, the poem exploded (at least by the standards of modern poetry) on the Internet with the website *Gothamist* only half-jokingly calling for it to receive a Nobel Prize. Robbins currently teaches at Chicago's Columbia College, an artsy institution located in the Loop, and appears to have a near-encyclopedic knowledge of popular music of all kinds.

And like most of Robbins's other poems, the title work demands genuine thought. The poem, which starts by calling Rainer Maria Rilke a "jerk," and concludes with the lines *I have few legs. I sleep on meat. / I'd eat your bra—point being—in a heartbeat*, is very funny, thoroughly formalistic, and shows an enormous love of the English language. It also requires lots of work to figure out. Some of this work is simply analytic: A few rereadings show that the line *in front of Best Buy, the Tibetans are released* is probably not the nonsense it appears at first glance but a meditation on the relationship between technology, wonder, and spirituality.

Alien vs. Predator
by Michael Robbins
Penguin, 88 pp., $18

Michael Robbins

Still, hardly anybody is going to get through the poem without turning to Google. What's the allusion to a "whale on stilts"? (It refers to a young adult book.) And what about "Buju Banton"? (He's a reggae/dancehall musician.) Unless you share all of Robbins's geeky personal interests, no reader is going to get everything unless they Google the heck out of the poems. And a reader will need Google: Perhaps 90 percent of Robbins's allusions wouldn't show up in a dead-tree encyclopedia.

And that is the point, and even some of the pleasure, of reading his work: A full appreciation of Robbins's better poems requires reading, Googling, rereading, re-Googling. And the rewards flow. As a result, it's almost impossible to read them seriously without getting drawn into at least some of his cranky obsessions. In short, Robbins is conveying and condensing emotion in a new way: not only via the words on the page but by engaging the reader directly in Robbins's own interests.

This isn't to say that the poems lack surface appeal—mostly in the form of humor. The best rhymes, indeed, are worthy of the verbal gifts of top hip-hop artists such as Eminem. Consider, for example, this line—*Slash is both sad and happy for Axl. / The nation's pets are high on Paxil*—from the poem "Dig Dug." Even if you don't pick up the other semi-obscure references to Guns N' Roses here, the rhyme is plain old funny and unexpected. Sometimes the humor is a bit more for poetic insiders: One poem, "From Karpos," is an attack on environmentally aware regional poets such as Mary Oliver and Ted Kooser. Even if one appreciates their work, Robbins offers a laugh-out-loud send-up that includes lines like *I tell my twig of the migratory song of the goose. / I tell it of the new form of companionship I propose in its name.*

Robbins certainly isn't a traditionalist of any kind and probably goes a bit overboard in playing the role of the academic hipster. (The book's photo shows him wearing a T-shirt of the atheist/satanic death metal band Slayer.) And if only because of his subject matter—a significant percentage of his work alludes to the male sex organ—he's unlikely to become the type of poet high school English teachers like to assign (although, since *S–t List* author Archie Ammons is now in most high school anthologies, even that could happen). But because it's very funny, interesting, and intellectually rewarding, Michael Robbins's new collection is a rare work of recent poetry that could well earn a popular readership—at least by the standards of poets producing new work today. ♦

ROBERT P. BAIRD

Eli Lehrer is vice president of the Heartland Institute.

B&A

On Seeing the World

The more we know, the less we seem to understand. BY AARON ROTHSTEIN

In the Valley of the Shadow
On the Foundations of Religious Belief
by James L. Kugel
Free Press, 256 pp., $26

In his tragedy *Phoenissae*, Seneca wrote "Anyone can stop a man's life, but no one his death; a thousand doors open on to it." For Seneca, death was a part of life, a natural process that could not be avoided. And indeed, at the time, death pervaded the world through famine, disease, childbirth, and war. But something in humanity's way of thinking about mortality and the world has changed in recent years. Death is now far off for us. So what, exactly, does this change mean? James Kugel, director of the Institute for the History of the Jewish Bible at Bar Ilan University in Israel and formerly the Starr Professor of Hebrew Literature at Harvard, felt this question was especially poignant after physicians diagnosed him with cancer a decade ago, and in his book *In the Valley of the Shadow*, he discusses and explains this change in the context of his work as a biblical and religious scholar. Kugel has written much of what is here elsewhere, most notably in other books: *The Great Poems of the Bible* and *The God of Old.* But here he attempts to expand upon his analysis, and does so with fascinating references to poetry, literature, psychology, science, the Bible, and religion.

Kugel identifies the change as a difference between the way we perceive our place in the world today and the way we perceived it in the past. For premoderns, "their own being was existentially *small*, dwarfed by all that was outside of them." We used to think of ourselves as powerless before the great world, and Kugel believes this viewpoint was the foundation of religious belief. This view, however, sets him up against evolutionary theory. Evolutionary biologists have sought to explain the invention of religion in terms of Charles Darwin's discoveries. Kugel frames their argument this way: Human beings needed to be wary of any person or animal approaching them for fear of being killed. They had to ask themselves whether this new being was friendly or curious, or had other, more nefarious, motivations.

The creation of Eve, from the Nuremberg Chronicle, 15th century.

"This involves making a rather complicated set of judgments," writes Kugel, "first realizing that the advancing threat is a *thinking* agent, and then trying to think what he thinks, and even trying to think what he thinks I think." Human beings then began to attribute thought processes and motivations to the environment. We assumed that some cognizant being made natural events work in certain ways for certain reasons. We could then appease these beings in order to protect ourselves from their wrath: Thus, the manmade creation of a supernatural being (according to certain evolutionary biologists) is a byproduct of "some useful feature of the evolving human brain—the hair-trigger agency detector that has otherwise proven so useful in our dealings with potential predators."

Kugel asserts, however, that evolutionary biologists "walk right by the very state of mind" which he identified. This state of mind consisted of seeing one's place in the world as short and insignificant, relative to nature and time. Implicit in this view is the admission that there is some power greater than one's self, which made people far more "open to the great Outside, to You, in a way that modern man's not." And just as this assertion reinforced a religious viewpoint, so, too, did the religious viewpoint reinforce the idea of the individual as a small being. Kugel uses Judaism's view of the soul as an example: Early Jewish sages thought of the human soul as a "deposit" given to us by God, to care for; our souls return to God every night when we sleep. A human does not even own his or her soul.

This concept of smallness is not just a monotheistic or Jewish value, either. Kugel cites the Polish journalist Ryszard Kapuscinski, who traveled to and wrote about sub-Saharan Africa in the 1960s. "Individualism is highly prized in Europe," Kapuscinski asserted. "[I]n Africa, it is synonymous with unhappiness, with being accursed." Kugel also cites Claude Lévi-Strauss's similar observation: "In the Western view, the individual is a separate autonomous entity that comprises distinct attributes . . . and it is these attributes that are assumed to cause behavior. Further, there is a belief in the inherent separateness of distinct individuals." Westerners view the individual as a being completely in control of his or her own

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life and most of the surroundings—as undeniably *big*. But many non-Westerners view themselves as *small* in the grand scheme of the universe, their lives having meaning only as part of the collective.

Kugel is fundamentally right that our views about ourselves have changed. Indeed, partly because of our scientific advances and understanding, "the world is generally far less ominous than it used to be, and … we humans are correspondingly *bigger* as a result." We know how to administer medical care and plant trees, and we know how to travel into space, which makes the Outside "so much harder to see." And this manifests itself in the way we relate to death. Kugel cites an example from the Bible, where Jacob tells his son Joseph that he will die but God will take care of him. Jacob then gathers his family and explains to them what will soon happen to them after he dies. It is "an orderly death," explains Kugel. Today, however, our old and dying are put away in hospitals or hospices before their bodies are buried in coffins so that we rarely see them. "Death has become taboo in America," writes Kugel, "because it spoils the myth of human control and our new, bigger selves." And our unrestrained faith in science is partly responsible for this change. Sam Harris tells us, in *The Moral Landscape*, that science is so powerful that it can determine morality. William Osler, the famous Johns Hopkins physician of the early 20th century, argued that medicine should be viewed as "man's redemption of man." This view surely flatters the potential of science, but as prominent as it may be now, the old view of humans as small in the grand scheme of the world has not fully disappeared, nor is it solely the province of the religious and non-Westerners.

The late Christopher Hitchens explained his experience of a cancer diagnosis in this way: "To the dumb question 'Why me?' the cosmos barely bothers to return the reply: Why not?" And Richard Dawkins, in *The God Delusion*, makes a similar point about each human being's relative smallness: "We are staggeringly lucky to find ourselves in the spotlight. However brief our time in the sun, if we waste a second of it, or complain that it is dull or barren . . . couldn't this be seen as a callous insult to those unborn trillions who will never even be offered life in the first place?" These comments suggest that, in the realm of this world, we *are* small compared with the forces of nature and evolution, at work for millions of years.

But James Kugel does not want to claim that Hitchens's view, or Dawkins's view, or the biblical view, is better than the individual-centered view; they are just different: "It is not a matter of right and wrong, but of different perspectives and . . . the state of being and the way of perceiving that go with them." We have outgrown our small selves, he writes, but "our new, big ones have brought us to a rather unreal sense of the shape of our own existence." We have not outgrown our old selves. The more we know, the more mysterious the world becomes. Now we know that our planet is comparable to a cell in the human body, vastly overwhelmed by the sheer volume of galaxies, solar systems, and stars. Now we understand that there is no real control center in the brain (as Kugel points out), so our consciousness is an amalgamation of different signals of different strengths that are a product of genes and outside stimuli.

Our world is even more complex, despite having closed many of Seneca's thousands of doors that open onto death—and this is good. A smaller view of ourselves keeps other doors open, which take us into a world of infinite possibility that cannot always "be seen by the eyes or heard by the ears." ♦

B&A

Fad Men

The Whitney Biennial strikes again. **BY JAMES GARDNER**

Paradox is supposed to be interesting and subversion is supposed to be fun. But this year's supposedly subversive Whitney Biennial, though paradox incarnate, is the sort of thing that gives soul-annihilating *ennui* a bad name. And its tedium is a direct consequence of the paradox at its very heart: These days, everyone wants to be a visual artist and no one wants to create visual art.

Rising to accommodate this perverse ambition, the Whitney, located on the Upper East Side of Manhattan, has given over much of its space not only to video and performance art, such as they are, but also to performing arts like dance, film, and live music, not to mention literature, philosophy, and much besides. The crucial thing to remember is that, in the process, the Whitney is not claiming to go beyond fine art but, rather, to gather all of these other activities into that charmed circle formerly occupied by painting and sculpture alone, and thus to claim them as visual art. Through an error of thought and a corruption of language, dance and belles-lettres are henceforth to be viewed as visual art no less than painting or sculpture are (or would be) if artists still made them. And if we relied only on the evidence of the latest Biennial, they emphatically do not.

The latest is, if nothing else, a monument to the fact that ART—that abstracted syllable, voided of any intrinsic meaning—occupies today a cultural prestige different from, and greater than, anything that music, literature, or philosophy could ever provide.

And yet, despite the Whitney's striving to provide, as in years past, a *compte rendu* of contemporary visual culture in America, never has it felt quite as irrelevant as it does in this latest offering. And that assessment has

James Gardner recently translated Vida's Christiad *(I Tatti Renaissance Library).*

nothing to do with the fact that one of the curators is—yet again—Elisabeth Sussman, who has no more taste this time around than in previous Biennials. Nor does it have to do with the fact that, largely in consequence of her participation, few works, if any, provide that aesthetic satisfaction that, for most of human history, was the highest aim of visual art.

Why, then, does it seem so irrelevant? First, most of the fourth floor, the Whitney's main gallery space, has been surrendered to dance, which drastically diminishes the number of art works on view. As a result, the whole show seems spotty, patchy, and tired, a burden as much for the curators and participating artists as for the public in general and the critics who are tasked, yet again, with seeking anything worthy of comment.

Performance artist Dawn Kasper among her possessions.

Then there is the fact that two competing exhibitions have emerged in New York, the New Museum's Triennial on the Bowery and something calling itself the Brucennial on Bleecker Street, an anarchic hodgepodge of 400 works from an operation called the Bruce High Quality Foundation. As the names make clear, both exhibitions are part knockoffs of the Whitney Biennial and part parody, and if their offerings are only rarely better than those of the Whitney, surely they are no worse. Of the three, the Whitney is by far the most conceptual and anti-object while the Brucennial—its walls stacked, salon-style, with paintings and photographs—is the most pro-object and thus the most traditional, with the New Museum falling somewhere in between.

Taken together, these three shows comprise about a thousand works, and precious few can be viewed with any real satisfaction. I found something to enjoy in the small, colorful oils on canvas by Leonard Peltier, even though he works in an idiom rather derivative of sixties mod and even though his inclusion in the present Whitney show seems somewhat arbitrary. Similarly, the contorted polychrome sculptures that Vincent Fecteau has fashioned from cement and clay resin look back to the mod vocabulary of the sixties and have the decency to behave like conventional sculptures.

If only they were better.

Though the works on view at the New Museum offered little of aesthetic interest, at the Brucennial I found Eliot Greenwald's *The Big One* (a collection of disembodied heads hovering against what looks like a wooden ground) to be a handsome and ambitious work, as was Aliza Stone Howard's *Anna and Kate*, a winsome depiction of two young women sitting on a futon. John Mendelsohn's *Turbulence 5*, a study in crimson and yellow that has clearly profited from the example of Gerhard Richter, is a first-rate abstraction, as are his four other works in the series.

Quite aside from the general paltriness of their goals and attainments, the problem with the works in all three of these exhibitions, either individually or together, is that they account for only a tiny fragment of the art being made in America today. Overwhelmingly, these works are populist in their vocabulary and ostensibly more interested in ideas (such as the artists take them to be) than in forms.

And yet, there is far more good art being created in the United States, and around the world, than one would ever imagine from the Whitney Biennial, the sundry international art fairs, or the galleries of Chelsea. In November, an extraordinary museum, Crystal Bridges, opened in Bentonville, Arkansas. It was founded by Alice Walton, an heir to the Walmart fortune, and funded mainly by the Walton Family Foundation. It is an encyclopedic museum of American art, and its collection of contemporary art, though extensive, is only a subchapter of the story it tells.

Now, it is one thing to have money and another to have taste, and Ms. Walton clearly has an abundance of both. But what is most interesting about her collection is that—even where it overlaps with what is on view in the Chelsea galleries—it has been chosen more for its visual power than for the stated meaning of the individual works. Here you will find abstractions and landscapes, sculptures and installations, by realists and conceptualists, by artists who are the toast of the art world and artists whose names you may never have heard.

What is so important about Crystal Bridges, however, is that it offers a vastly different assessment of contemporary American art that runs parallel to the mainstream, that locus of money and power represented by the Biennial. It proves that, although there is still fine and important art being created in America, you are unlikely to find it at the Whitney Museum of American Art. ♦

NEWSCOM

B&A

Fandom in Focus

An affectionate (?) look at popular obsession.

BY JOHN PODHORETZ

Have you ever seen those hilarious recut movie trailers on YouTube—like the one that takes Stanley Kubrick's horror classic *The Shining*, adds a jaunty score and a peppy narrator, and makes it seem like a romantic comedy? These knowing exercises in irony prove just how completely the cinema is a trickster medium, how it uses patently obvious but effective techniques to manipulate the viewer's expectations and emotions. Anything can be made to seem ominous and foreboding; anything can be made to seem cheerful and upbeat. It's all in the lighting, the scoring, the camera angle.

Comic-Con
Directed by Morgan Spurlock

The same should not be true of documentaries, because documentaries purport to be works of nonfiction. They are supposed to capture reality like lightning in a bottle and keep it there for posterity. But a documentary is still a movie, and movies are manipulative at their very core. Whether a person is depicted as a hero or a villain, as a madman or a visionary, as a ghoul or a saint, is pretty much in the hands of the director.

There's an interesting example of this in *Comic-Con*, a highly watchable, very funny, often moving, and utterly untrustworthy documentary just out in theaters and available "on demand" on most cable TV systems. The film offers an impressionistic portrait of the attendees of the largest convention in the United States: Comic-Con in San Diego, an annual gathering of more than 100,000 comic book, videogame, and science-fiction and fantasy enthusiasts.

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

Comic-Con Episode IV: A Fan's Hope (the full name is a takeoff on the retitled version of the original *Star Wars* film) zooms in on five fans. Two want to be comic book artists, one of whom is a bartender and the other a career Air Force officer. Another is a 60-year-old hippie who owns a financially precarious comic book emporium in Denver and is thinking of selling his most valuable possession for a half-million dollars to save his business. The fourth is a young woman who designs outfits and engages in "cosplay"—in which she pantomimes bits from videogames while costumed as a character in the game.

And the fifth is a man who met his girlfriend at the previous year's Comic-Con and has decided he wants to propose to her by asking the question at a big public forum featuring writer-director Kevin Smith (*Clerks*, *Dogma*). Smith appears as the ultimate success story of the conventions, a funny comic-book-obsessed child who turned himself into a multimedia star but still retains his boyish love of all things geeky.

Director Morgan Spurlock (best known for having fattened himself up on fast food in *Super Size Me*) does everything in his power to make you love these people. They are sweet, well-meaning, fun-loving, wacky, odd—delightful character studies in the joys of eccentricity, seeming to derive great pleasure and deep personal meaning from their own obsessive activities.

Spurlock's movie is a paean to oddballery. But more than that, it is a salute to fandom—to the world of people for whom fantasy play and fantasy culture are a little more real than the real world itself.

Now, imagine for a moment the same material in the hands of another documentary filmmaker. Errol Morris all but invented the nonfiction portrait of obsessive eccentrics with his *Gates of Heaven*, a 1978 look at a California pet cemetery. His movies are stark and plain and concentrated, and they do not flinch from portraying the underside of oddity—the alienation from ordinary life, the often-questionable personal habits, and the allure that dangerous ideas can have for such people. Morris is the opposite of a sentimentalist, and he would look at the event and the people it attracts straight in the eye. He would not be a flatterer, as Spurlock is.

What about a portrait of Comic-Con by Frederick Wiseman, now 82? Wiseman makes movies about institutions. His cool, unnarrated, leisurely portraits of (among other places) a suburban high school in *High School*, New York welfare office in *Welfare*, and an animal-experimentation lab in *Primate* are probably the greatest achievements in the annals of documentary film. If Wiseman had made *Comic-Con*, he would slowly and surely get at the unutterable sadness in these lives, the effect of the retreat from reality a fantasy life represents, and the ways in which the emotionally stunted are being quietly and effectively exploited by giant media companies.

Not for nothing does *Comic-Con* list among its executive producers J. J. Abrams and Joss Whedon. Abrams was the producer of the television series *Lost* and *Alias*, both of which inspired obsessive fan support. Whedon made the TV series *Buffy the Vampire Slayer* and has written and directed the gigantic new comic-book movie *The Avengers*. The existence of Comic-Con fandom and the word of mouth that can spread from it helped make the fortunes and careers of these men.

In the end, despite its love of the little guy, and Morgan Spurlock's own history as a crusading anticapitalist, *Comic-Con Episode IV: A Fan's Hope* is every bit as celebratory, and every bit as propagandistic, as one of those chemical-industry filmstrips about the wonders of zinc oxide our science teachers forced us to watch 40 years ago so they could go out during class and grab a smoke. ♦

"Suddenly, you find yourself confronting yourself: Gee, I've run out of money. I can't take the money out of my 401(k) that I had before. What am I gonna do? Am I gonna eat cat food? Am I gonna move in with my kids? Am I gonna commit suicide?"

—Donald G. McNeil Jr.,* New York Times *reporter, on the proposed* Times *pension freeze

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