

**ANTIETAM
150 YEARS LATER**
GEOFFREY NORMAN

the weekly
read

OBAMA'S MIDDLE EAST

REUEL MARG GERECHT
STEPHEN F. HAYES
THOMAS JOSCELYN
LEE SMITH

**'I consider it part
of my responsibility
as President of
the United States
to fight against
negative stereotypes
of Islam wherever
they appear.'**

**— Barack Obama
Cairo, June 4, 2009**

Contents

September 24, 2012 • Volume 18, Number 2



2 The Scrapbook

Romney was right, speed demons & more

5 Casual

Victorino Matus, at lunch with Jacques Pépin

7 Editorials

Only Explain

BY WILLIAM KRISTOL

The Video Didn't Do It

BY LEE SMITH

Articles

10 The Obama Delusion, cont.

BY ANDREW FERGUSON

Michael Lewis swoons . . . over nothing

12 Living with Islam

BY REUEL MARC GERECHT

Begin with Western strength and confidence in our principles

16 The Al Qaeda Connection

BY THOMAS JOSCELYN

Those were not spontaneous protests

20 Why Obama Is Still Ahead

BY FRED BARNES

The economy alone won't win the election for Romney

21 The Doctrine that Failed

BY STEPHEN F. HAYES

There's a reason we get no respect in the Middle East

22 Country Roads to Nowhere

BY HENRY PAYNE

Obama deserts coal; Democrats desert Obama

24 Disrupting Obama's Plan for Victory

BY FRANK CANNON

Romney can deploy the social issues

& JEFFREY BELL

26 The Bush Hangover

BY PETER J. WALLISON

What got us into this mess . . . and what can get us out

Feature

28 The War's Worst Day

BY GEOFFREY NORMAN

Looking back at Antietam

Books & Arts

34 Show Some Restraint

BY TERRY EASTLAND

The Constitution is imperiled from the bench

36 Not So Special

BY EDWARD SHORT

Why the author doesn't like Churchill's 'History of the English-Speaking Peoples'

38 Mortal Error

BY DAWN EDEN

Pondering the idea, and reality, of sin

39 In Shallow Waters

BY MARK BLITZ

A mismatched academic responds to Aristotle

41 Mr. Stein's Lessons

BY ARAM BAKSHIAN JR.

There's more to learn here than the Smoot-Hawley Tariff

43 Try, Try Again

BY JOHN PODHORETZ

Sometimes the trip back to the drawing board is worth the trouble

44 Parody

Vote for me, or the terrorists win



Romney Was Right

All right, you're in the Obama White House. You see that the monthly jobs report is terrible, worse than expected. The Federal Reserve is so worried about the economy that it proposes 24/7 pump-priming to jolt it out of the doldrums. A mob invades the United States embassy in Cairo, pulls down the Stars and Stripes, sets it on fire, and raises a jihadist banner in its place. The official response to this desecration is to apologize to the rioters for an anti-Muslim movie trailer that served as a pretext to attack the embassy.

A few hundred miles to the west, the U.S. ambassador to Libya is assassinated in Benghazi, along with three colleagues. American embassies are besieged in Tunisia and Yemen. The White House and the Israeli government trade barely concealed insults over Iran's nuclear weapons program. And the president insists publicly that Egypt—recipient of more than \$1 billion a year in aid from the United States—is not an ally.

What to do? Well, isn't it obvious? Attack Mitt Romney!

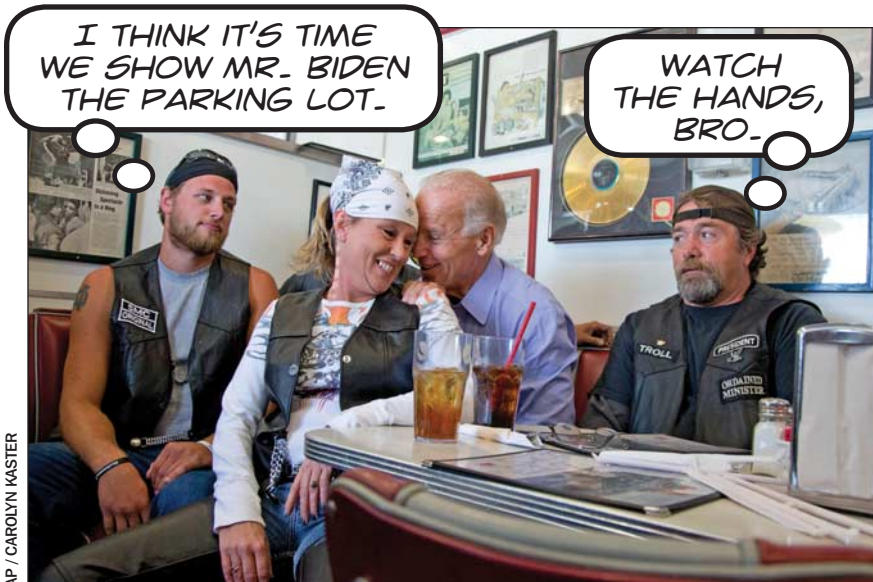
In THE SCRAPBOOK's view, Governor Romney, who is running to replace President Obama in less than two months, was entirely correct to criticize the incoherent U.S. response to the Cairo debacle, to question the policies that have left us so dangerously vulnerable in the Middle East, and to suggest that the most urgent American requirement—apart from offering some semblance of leadership—is to retire Barack Obama at the end of his present term.

And yet, the primary concern of the Obama White House, and its friends and protectors in the press, has been to pretend that the bonfire of the Obama foreign policy was as nothing compared to Romney's impertinent criticism. The *New York Times* was typical, accusing Romney of "dangerous ignorance" and "an extraordinary lack of presidential character." And President Obama himself joined in to complain that "Governor Romney seems to have a tendency to shoot first and aim later."

Oh, please! This is not a case of diplomatic propriety, but of political damage control. It is, perhaps, understandable that the Obama White House would seek to distract attention from its numerous failures and to exhort its critics, in the name of national unity, to shut up. But that the press would join in this perversion of political etiquette is especially grotesque. Readers need only imagine what the *Times* would be saying if this series of mortifications, domestic and foreign, had occurred when George W. Bush was president.

For that matter, the notion that political criticism is "dangerously ignorant" when American lives have been lost on foreign soil is not only insulting, but dishonest. THE SCRAPBOOK has been searching diligently in its archives but cannot find any occasion when John Kerry or Nancy Pelosi or Al Gore or Harry Reid or John Edwards or Hillary Clinton—or then-senator Barack Obama himself—restrained themselves from rebuking the Bush White House, at a time when Americans were fighting and dying overseas, in the most violent terms. ♦

What They Were Thinking



Vice President Joe Biden chats with the locals at Cruisers Diner, in Seaman, Ohio, Sept. 9.

Speed Demons

It's pretty hard not to have some misgivings about the increasing government surveillance of citizens, though reasonable people can disagree to what extent this is necessary to keep us safe. However, THE SCRAPBOOK would like to think that we can all agree that when the surveillance state becomes just another means of raising revenue it's entirely pernicious.

And so it is that traffic cameras have spread like a cancer across the land. It's revealing that the proliferation of traffic cameras seems directly proportional to the corruption and mismanagement of the local governments erecting them. In March, Washington, D.C., mayor Vincent Gray made a disturbing promise to

AP / CAROLYN KASTER

“cover the entire city” with traffic cameras. Gray justified this by saying, “I think we need to do everything we can to protect people in the District from the negligent and irresponsible actions of others.”

That’s an interesting sentiment coming from Gray, who’s been under federal investigation for running a crooked mayoral campaign. A *Washington Post* poll this past July revealed that 54 percent of D.C. residents think he should resign. Unlike taxpayers who might be driving 8 mph over a 25 mph speed limit, there’s actually a reason for law enforcement authorities to monitor Gray very closely.

But again, safety is a laughable pretext when justifying traffic cameras—tellingly, Gray made his pledge to cover the city in cameras at a budget meeting. Last year, the city generated some \$55 million in revenue from traffic tickets and expects to earn \$30 million in additional revenue this year. Naturally, this means the city will issue even more traffic camera tickets, which is impressive when you realize that last year the city issued 462,601 traffic camera tickets in a city of 617,996 residents.

Amazingly, D.C. now has competition when it comes to overuse of traffic cameras. Prince George’s County, Maryland, borders Washington, D.C., to the east, and, not surprisingly, it too is notorious for corruption. Last year, Prince George’s county executive Jack Johnson was sentenced to seven years in prison for taking as much as a million dollars in kickbacks; Johnson’s wife was hiding an ill-gotten \$79,000 in cash in her bra when the FBI arrested her.

P.G. County is also leaning heavily on traffic cameras to make up for the revenue its corrupt officials are no doubt squandering. Except that it seems that residents of P.G. County are not taking this effort to squeeze money out of them for the crime of commuting lying down.

The *Washington Post* reports there have been a “half dozen incidents of vandalism and general meanness toward the cameras in the county. A

camera was actually shot with a gun. Another was set on fire.” But have no fear, Prince George’s County police officer Robert V. Liberati, whose official title is, and no, we’re not making this up, “Commander of the Automated Enforcement Section,” explained last week that the county has come up with a novel solution to its traffic camera vandalism problem. Commander Liberati told local radio station WTOP that they’re putting up cameras to monitor what happens to their traffic cameras.

THE SCRAPBOOK does not condone vandalism of public property, but the county’s response here does raise the question of how this Orwellian recursion is supposed to end. We’re guessing that D.C. and Prince George’s

County will continue to do whatever they can to extract cash, regardless of how unfair and infuriating it is to those penalized by these proliferating cameras. The alternative would be for local officials to clean up their act and spend less money, and we all know that can’t happen. ♦

Fact Checking the Fact Checkers

Recently, the *Washington Post* fact checker wrote a column examining a series of claims made by pro-life groups about Obama’s abortion record. He evaluated four pro-life claims that were found wanting, receiving from one to three “Pinoc-

NEITHER SNOW nor RAIN nor HEAT nor GLOOM
of NIGHT nor ATTACKS on SOVEREIGN U.S.
TERRITORY nor BREACH of U.S. EMBASSIES
nor the DEATH of FOUR AMERICANS including the
U.S. AMBASSADOR to LIBYA nor GLOBAL TURMOIL
will keep our PRESIDENT from his APPOINTED
ROUNDS of CAMPAIGNING in LAS VEGAS....



chios” for being misleading, with four being the maximum number of Pinocchios the *Washington Post* fact checker dispenses. THE SCRAPBOOK, you may not be surprised to hear, was underwhelmed. It long ago concluded that media “fact checkers” are inherently partisan and terrible at evaluating factual claims fairly.

But that fourth claim was interesting, and not just because it focused on Barack Obama’s mendacity. A recent campaign ad by a pro-life group pointed out that while serving in the Illinois legislature, Obama twice voted against something called the Born-Alive Infants Protection Act. The original incarnation of the bill stated that “a live child born as a result of an abortion shall be fully recognized as a human person and

accorded immediate protection under the law.” You might call this a restatement of the law against infanticide. Obama actually voted against making it illegal to kill babies outside the womb, because he feared the law would undermine abortion rights. The bill was retooled to remove the line mentioning abortion, making the second version nearly identical to the federal Born-Alive Infants Protection Act, which passed unanimously in 2002. Obama still voted against the Illinois version.

In 2008, Obama was asked about his vote by the Christian Broadcasting Network. The *Washington Post* fact checker quotes his response. “I hate to say that people are lying, but here’s a situation where folks are lying. I have said repeatedly that I would have been completely in, fully in support of the federal bill that everybody supported,” he said. In other words, Obama is accusing others of lying about his record while he himself is telling a very big lie.

How does the *Washington Post* fact checker handle this? We’re about to take the train to Pinocchio city, right? “The evidence suggests we could have awarded Four Pinocchios to the former Illinois senator for his comments to the Christian Broadcasting Network, but that interview is several years old now, and it’s not the focus of this particular column.”

Of course, we wouldn’t expect anything less than this free pass for Obama from the *Washington Post*’s fact checker. When it comes to abortion, some facts are just too politically inconvenient. ♦

Sentences We Didn’t Finish

“It’s difficult to know what to ask a rapper. It’s not unlike the difficulty (I imagine) of being a rapper. Whatever you say must be considered from at least three angles, and it’s an awkward triangulation. In one corner you have your hard-core hip-hop heads; the type for whom . . .” (Zadie Smith, *New York Times*, September 9). ♦

the weekly Standard

www.weeklystandard.com

William Kristol, Editor

Fred Barnes, Executive Editor

Richard Starr, Deputy Editor

Claudia Anderson, Managing Editor

Christopher Caldwell, Andrew Ferguson, Victorino Matus, Lee Smith, Senior Editors

Philip Terzian, Literary Editor

Stephen F. Hayes, Mark Hemingway, Matt Labash, Jonathan V. Last, Senior Writers

Jay Cost, John McCormack, Staff Writers

Daniel Halper, Online Editor

Kelly Jane Torrance, Assistant Managing Editor

Julianne Dudley, Assistant Editor

Michael Warren, Reporter

Ethan Epstein,

Kate Havard, Jim Swift,

Editorial Assistants

Philip Chalk, Design Director

Barbara Kytte, Design Assistant

Carolyn Wimmer, Executive Assistant

Max Boot, Joseph Bottum,

Tucker Carlson, Matthew Continetti, Noemie Emery, Joseph Epstein, David Frum,

David Gelernter, Reuel Marc Gerecht,

Michael Goldfarb, Mary Katharine Ham,

Brit Hume, Frederick W. Kagan,

Robert Kagan, Charles Krauthammer,

Yuval Levin, Tod Lindberg,

Robert Messenger, P.J. O’Rourke,

John Podhoretz, Irwin M. Stelzer,

Contributing Editors

Terry Eastland, Publisher

Nicholas H.B. Swezey, Advertising Director

Catherine Lowe, Digital Business Director

Jim Rossi, Audience Development Director

Richard Trocchia, Fulfillment Manager

T. Barry Davis, Todd A. Miller,

Senior Advertising Managers

Kathy Schaffhauser, Finance Director

Taylor Morris, Office Manager

Andrew Kaumeier, Advertising Operations Manager

Advertising inquiries:

202-293-4900

The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-386-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, \$4.95. Back issues, \$4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2012, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.



GET YOURS TODAY— WHILE YOU STILL CAN!

Sure, you want to take out all your dismay and disgust on our soft, mushy Obama Stress Head— so don’t wait!

Order today before Obama gets the boot and our stock is completely gone!



Still just \$9.99 plus shipping & handling.

To order your Obama Stress Head, call 866-869-6389 or order online at www.weeklystandardstore.com.

Happy as a Clam

The Clam Castle, a tiny outpost along Boston Post Road on the way to Hammonasset Beach in Connecticut, serves up a menu I find irresistible: fried whole clams, clam fritters, clam strip rolls, fried shrimp, fried sea scallops, and fried cod. It reminds me of the seafood restaurant in *The Simpsons*, The Frying Dutchman.

But probably the most popular item on the menu is the lobster roll, which you can order cold with mayonnaise or hot with butter. Either way, it costs \$13.99, a reasonable price considering the clumps of lobster meat piled high atop the hot dog bun.

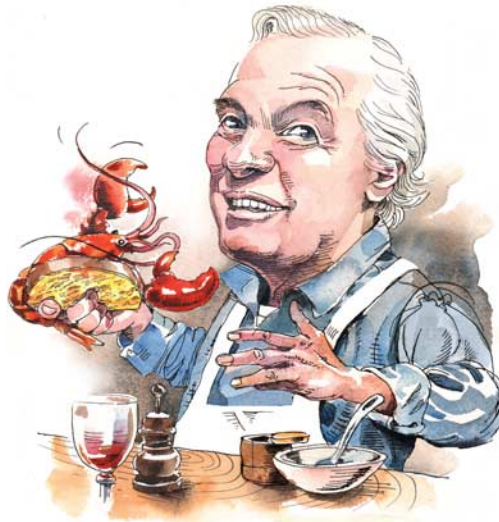
As it turns out, one of the biggest fans of the Clam Castle's lobster roll is a man who himself helped make the roll what it is today. Jacques Pépin, the legendary French chef, bestselling author, and longtime host of his own PBS cooking show, worked on the roll for Howard Johnson in the 1960s. He also happens to live nearby—so why not ask him to lunch?

From my in-laws' house in nearby Essex, I drove a four-mile stretch of interstate and picked up the chef at his home—his kitchen wall is covered with skillets and pots, a much larger version of the famed wall of Julia Child's kitchen now at the Smithsonian. Following a brief tour of the grounds, including the studio kitchen out back and a court for *pétanque* (the French equivalent of bocce), I drove the chef and his dog Paco over to the clam shack. Though he had eaten there three days earlier, he didn't seem to mind.

We headed to a picnic table where, over steaming hot lobster rolls, sides of coleslaw, and sodas, I asked the chef a wide range of questions, such as how he modified the lobster roll

during his time at Howard Johnson.

"What we developed was that roll, which was a hot dog roll, the Philadelphia roll. We decided to use it for the lobster," Pépin explained. "Then we browned them on each side with butter." In addition, "We put butter instead of margarine in the production" (a crucial switch at a time when margarine was still seen as a healthy alternative).



Pépin actually chose to work at the restaurant chain over the Kennedy White House. "I didn't want to go to the White House," he said. "I had done it with [Charles de Gaulle] in France. The cook was behind a door, and no one ever went there. I served people like Eisenhower, Nehru, Tito, Macmillan. . . . And if anyone came to the kitchen, it was because something was wrong."

Pépin also talked about his departed friends Julia Child and *New York Times* food writer Craig Claiborne, Child's distaste for *Julie & Julia* author Julie Powell, some of his favorite chefs (Thomas Keller and Michel Richard), and even the locavore movement, with its emphasis

on locally sourced products. "People get religious about it," he said. "They get berserk. . . . I've been to restaurants where they come, they bring you the carrot, they say, 'That carrot was born on the seventh of March, its name is Gilda.' I say, 'Give me a goddamn carrot!'"

Newly arrived in America in 1959, Pépin landed at Le Pavillon, then New York's most famous French restaurant. When executive chef Pierre Franey walked out after arguing with the imperious owner Henri Soulé, Pépin ordered the rest of the kitchen to storm out in solidarity. This first attempt at a strike ended badly: "I was there a few months. I didn't really speak English. That's when I see those two Italian gentlemen—big guys—coming." Soulé's union-busters threw Pépin against a locker. "I didn't understand what they said exactly, but I understood the gist of it—that I better shut my mouth," he said with a laugh.

Pépin spoke of the aspiring young chefs who ask him constantly how to land a television show or a book deal. "Who do you think I should call?" the students ask. "Here's the secret number," he replies jokingly. "They say you have to have a gimmick to get [a show]," he went on. "They ask me, 'What was your gimmick when you started?' I say, 'Well, I decided to take a French accent.'"

The chef tells his students to work in-depth. "They want to do something *fantastique*, something showy or unusual, the weirdest combination of whatever, and you say, 'What the heck did you make?'" Instead, he instructs the class, "Today we'll do a hot dog, a hamburger, and a BLT," explaining, "You can always do something better. . . . If you have a hot dog, you can always find a better hot dog, then a better roll, then a better mustard, a better way of grilling it." It's pretty much how he came to perfect the lobster roll.

VICTORINO MATUS

Only Explain

Early Friday morning, September 14, a movie-loving and Romney-supporting friend emailed: “I’m starting to panic. Tell me not to.”

I sent back the obvious response, citing the great Aladdin: “Abu, this is no time to panic. . . . Start panicking!”

A little panic never hurts a trailing campaign. Panic can be your friend—if it leads to a few basic adjustments. And with a few basic adjustments, Mitt Romney can win the presidency—without the help of a magic lamp or a genie.

On August 11, the day Romney picked Paul Ryan, he was down by about four and a half points in the Real Clear Politics average of polls. Two weeks later, on the eve of the Republican convention, after a period of intense and policy-heavy debate on the Ryan budget, welfare reform, defense spending, and Medicare and Obamacare, Romney and Ryan had closed the gap to a point.

Then came a Republican convention whose main message in its most important moment—Romney’s speech—was that the GOP nominee is a decent family man who isn’t engaged in a war on women. Why Romney and his top strategist, Stuart Stevens, set aside speech drafts that made the case for a Romney presidency in order to spend valuable time trying to reassure Americans that Mitt and Ann Romney would be nice and considerate neighbors (in the unlikely event they happened to move into your neighborhood) remains a mystery. Romney’s speech may have addressed the concerns of mythical swing voters conjured up out of many focus groups sessions. It predictably failed to win over actual voters, who wanted to hear what Romney plans to do as president of the United States.

They didn’t hear much about that from Romney. In Charlotte the next week, the Democrats—especially Bill Clinton—filled in the blanks. They explained that Romney was going to raise taxes on the middle class and didn’t know or care much about foreign policy. Obama got a nice post-convention bounce. That seems now to have crested, leaving Obama with about a three-point lead in the polling average—more or less where the race was before the Ryan pick.

The Republican convention was a missed opportunity for Romney. But there’s no need to keep missing opportunities. And they’re plentiful. Unfortunately for the coun-

try, every day seems to provide another marker of a failed Obama presidency. In Washington, the Federal Reserve announces yet more quantitative easing—a foolish step, but one that’s also a remarkable acknowledgment of the ineffectiveness of three and a half years of Obama economic policies. In Cairo, the site of Obama’s speech in his first year as president laying out his new approach to the Muslim world, and in Benghazi, the place that allegedly vindicated his strategy of leading from behind, we saw last week the tragic consequences of the Obama administration’s weakness abroad.

So if it’s time to panic, it’s time to panic about the prospect of four more years of Barack Obama as president.

And the message from THE WEEKLY STANDARD genie to the Romney campaign is simple: Explain how ghastly the prospect of four more years of Obama really is. And explain the course that a Romney-Ryan administration will follow, and how those new policies will lead to national recovery. Enough about the last four years. Obama’s mistakes as president are pretty clear. Tell us

about the *next* four years. Tell us about the choices ahead, not the failures behind. Tell us about the full spectrum of choices we face. Make a case for your presidency, not just against the current president.

It really isn’t enough—it actually diminishes the substance of this election—to say, as you did in your acceptance speech, “President Obama promised to begin to slow the rise of the oceans and heal the planet. *My* promise is to help you and your family.” No, please. We and our families would like you to help our country.

Don’t worry about “connecting” with the rest of us. *Explain* how you’re going to lead the nation. *Explain* how you’ll reform the tax code and get entitlements under control and repeal and replace Obamacare and fix monetary policy. *Explain* how you’ll do at the national level what conservative (a word absent from Romney’s acceptance speech) reform (another word absent from that speech) governors are doing successfully at the state level. *Explain* that what’s at stake is the country’s future, not just the economy’s. *Explain* that as president you’ll provide strong leadership abroad, not just business skills at home. *Explain* that presi-



Go ahead and panic.

dents make judicial appointments and that their cabinet members make decisions affecting religious liberty, among many, many other issues.

Aladdin had a happy ending. So can this campaign. But a Romney victory isn't going to happen magically. Even Aladdin's triumph depended on his own skills. Mitt Romney can fix his campaign and win this eminently winnable election. If he doesn't, we'll be stuck with four more years of Obama. That won't have a happy ending.

—William Kristol

The Video Didn't Do It

It was bad enough, two years ago, that Defense Secretary Robert Gates called fringe Florida pastor Terry Jones to ask him not to burn copies of the Koran, or last week, that chairman of the Joint Chiefs Gen. Martin Dempsey took his turn to call Jones to ask him to stop publicizing a YouTube video, *The Innocence of Muslims*.

But then on Friday, White House spokesman Jay Carney told the world that the violent protests in Cairo and Benghazi and elsewhere were a “response not to United States policy, and not obviously the administration or the American people,” but were “in response to a video, a film we have judged to be reprehensible and disgusting.” Carney repeated the point for emphasis: “This is not a case of protests directed at the United States at large or at U.S. policy, but in response to a video that is offensive to Muslims.”

Carney's comments lie outside the range of plausible spin, even by Obama administration standards, and if his bosses believe them—as we fear they do—are simply delusional. But they are not without consequence. Nor are Gates's and Dempsey's phone calls. They all send the message to America's enemies that if you kill our diplomats and lay siege to the our embassies, the first move the American government will make is to denounce . . . Americans. Our leaders apparently believe that the way to protect Americans from extremists and terrorists abroad is to tell other Americans to shut up.

What's next? Where does it go from here? There are more than 300 million ways in which Americans expressing themselves might give offense to those who make it their business to be offended. Maybe it's some other film, maybe it's a book or even just a tossed-off phrase that our enemies might seize on to galvanize support for their causes. Is the White House going to put every American crank on speed-

Choose Jobs, Not Lawsuits

By Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

The national unemployment rate has been stuck above 8% for more than 40 straight months. A handful of states have watched their jobless rates reach the double digits. It's obvious what states need: more jobs. What they don't need? More lawsuits.

Frivolous lawsuits are dead weight on a state's economy. America's job creators look at several factors when considering whether they'll hire, expand, or choose a location. And a system that fosters frivolous lawsuits is certain to drive companies out of town or out of business. Small businesses, which collectively create 64% of all new jobs, are especially vulnerable to lawsuit abuse. Many smaller enterprises operate on razor-thin profit margins. In this economy, a single lawsuit can force them to close their doors forever.

To assess America's legal climate on a state-by-state basis, the Chamber's

Institute for Legal Reform (ILR) recently commissioned a survey to rank all 50 states according to the fairness and reasonableness of their state liability systems. In response to the annual survey, 7 in 10 business leaders said that a state's lawsuit climate is a significant factor in where they choose to expand or grow. That's up 13% from five years ago.

It should come as no shock that some of the states at the bottom of the survey—including Illinois and California—have some of the highest unemployment rates in the country. Likewise, several of the states with the highest ranking legal climates also have some of the lowest jobless rates. Nebraska, for example, is second in the nation for business-friendly liability systems. It also happens to have the second lowest unemployment rate at an enviable 4%.

The good news is that this year's survey shows a slight improvement in the nationwide health of the lawsuit climate. We hope this means that lawmakers are halting the expansion of lawsuits in favor

of economic growth and job creation. We urge more state leaders to step up and take action for the health of their economies and the good of their workers.

For more information please visit www.InstituteForLegalReform.com/states.

Best Lawsuit Climates	Worst Lawsuit Climates
1. Delaware	50. West Virginia
2. Nebraska	49. Louisiana
3. Wyoming	48. Mississippi
4. Minnesota	47. California
5. Kansas	46. Illinois



100 Years Standing Up for American Enterprise
U.S. Chamber of Commerce



Anti-American protesters in Tehran on Friday, September 14

dial so it can tell them to shut up whenever a mob gathers outside a U.S. embassy or consulate?

It's worth noting that virtually every description in our media of the movie that is supposed to have touched off the protests was attended by various aesthetic qualifiers—laughable, crude, amateurish—as if the mobs and their organizers were motivated by considerations of artistic craft. Let's recall that similar murderous campaigns of terror were waged to protest Salman Rushdie's *The Satanic Verses*, at the direction of Ayatollah Ruhollah Khomeini. Would the editorial boards and newsrooms of our leading media debate the merits of White House officials warning prestige novelists to keep their mouths shut lest they anger extremists?

The Constitution was not written on behalf of poets and philosophers and film producers but to enshrine the rights of all citizens. Since 9/11 and our ensuing engagements in the Middle East, there have been appropriate occasions during which the American people have debated how the so-called clash of civilizations might be ameliorated. This is not one of those occasions. To debate the right of an American to criticize religion does not indicate sophisticated sensitivity to the feelings of others but a willingness to turn tail and abandon our principles at the first sign of a fight. And to take seriously the notion that all those riots and attacks are about a video, not about American principles and power and policy, is silly.

What we have seen unfold in the Middle East over the last week is what distinguishes the region's societies from our own. The protests in Cairo and Benghazi were not really about the film, the preacher, or Muslim sensitivities. They were an exercise in raw power politics, partly

aimed at intramural rivals in the Arab political sphere, but mainly against the United States.

If the reaction of U.S. officials in the face of such an assault is to “condemn . . . efforts by misguided individuals to hurt the religious feelings of Muslims” (the initial response of the U.S. embassy in Cairo) and to try to silence individual citizens, there is good reason for the terrorists to believe that, with more acts of terror, they will also change American policies. The unpleasant fact is that the Obama administration has encouraged our adversaries to keep at it.

President Obama believed that to maintain “credibility with the Arab states,” as he once told a group of Jewish leaders, he had to put some daylight between ourselves and Israel. His administration sought desperately to “engage” Iran and Syria, two state sponsors of terror that have been killing Americans for decades. The same Joint Chiefs chairman who told journalists in London that he doesn't want to be “complicit” in any Israeli strike on Iran's nuclear facilities now advises an American citizen to stop alienating Muslim mobs. A president who began his tenure by going to Cairo to say he considered it his “responsibility as president of the United States to fight against negative stereotypes of Islam wherever they appear” should not be surprised that the U.S. embassy in Cairo tweets similar apologetics while it is under siege.

It would be nice to have an American administration that stood up for America, for its people and its principles. It would also make the world far less dangerous for Americans—and for decent people of all faiths.

—Lee Smith



The Obama Delusion, cont.

Michael Lewis swoons . . . over nothing.

BY ANDREW FERGUSON

Journalists often play dumb as a way of drawing information from a reluctant source. But they are just as quick to act smart—to assume an air of authority over a topic with which they have been only briefly acquainted. Michael Lewis, the financial journalist and author of many bestsellers, is now an authority on Barack Obama. He’s been speaking with great familiarity about our president ever since last week, when *Vanity Fair* published Lewis’s heavily hyped profile of him, under the title “Obama’s Way.”

“I would say he loves people,” he told a gathering at Bloomberg News in New York. “He’s got odd social habits for someone like him. What he really likes is non-transactional relationships, when you and I don’t want anything from each other.” He went on: “He doesn’t like people flattering him.” And on: “He’s got a gift for making people happy.” And on and on: “When he was a young man, he thought he was going to be a writer, I think—he won’t completely admit that. . . . He spends half his life laughing. He’s a very happy, warm person.”

Lewis acquired his expertise, as *Vanity Fair* publicists repeated frequently last week, over the course of six months during which he was

allowed, off and on, to see the president and often to speak with him. “Unprecedented access,” the publicists called it, and interviewers repeated the phrase. It was his own idea, Lewis told the NPR interviewer Terry Gross in a publicity blitz, “to sit in the president’s shoes and see what it feels like.” Last year he sent off a request to the president’s press secretary. To his surprise, he says, he heard back the next day: Come on down!

I’m surprised that Lewis was surprised. He doesn’t write about politics much, but he’s never tried to bury his sympathies as a liberal Democrat, standard-issue. He is also the best-known, most successful, and, in an unlikely coincidence, most talented magazine writer in the country, with a wide range and a sly humor and a frictionless prose style that never fails to make a pleasing impression on the page. Perhaps more important, Lewis agreed to give Obama’s staff a veto over what material he could include in his article. He explained to Terry Gross that he agreed to this demand after he’d read a much-discussed front-page article in the *New York Times*, which said such an arrangement was typical between political reporters and politicians. (The *Times* story appeared in July 2012, seven months after Lewis began following Obama.) In the event, Lewis said, the president’s men didn’t make him delete much. Ninety-five

percent of his original draft, he said, met with their approval.

This shouldn’t surprise us much either. It must be said that in addition to his tireless industry and gift as a teller of tales, Lewis is often played for a chump by the people he writes about. In the early 1990s, for a book called *Pacific Rift*, a group of Japanese and American capitalists convinced him of the Japanese economy’s indomitable strength, just as the Japanese economy began its long descent. In *Moneyball* a baseball executive convinced Lewis that he had turned the sport into a “social science,” deploying statistics to assemble winning teams as no one had done before. It wasn’t true, as the subsequent failure of the teams showed. It made for a cracking good yarn, though, and a hugely popular book. In the late 1990s, an entrepreneur named Jim Clark convinced Lewis that American capitalism, thanks to digital technology, was entering an unprecedented era of “pure possibility.” All that the era really was, was a tech bubble, which popped just as Lewis’s book about Clark was published. We could go on.

Along with his willingness to give Obama’s staff editorial veto power, Lewis’s professional gullibility weakens the article’s value as an objective peek into Obama’s world. At the same time it makes the piece more interesting than it might have been otherwise. As reporter and writer, whether

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.

consciously or not, Lewis in effect joined the team, and he was happy to remain under close supervision, watching what he was meant to watch and staying away when he was told to bug off. “Obama’s Way,” in other words, is exactly how the Obama administration wants you the reader—you the voter—to think of the president. It’s as close to an official portrait as we are likely to get until the president himself writes his memoirs in his own soaring prose.

Lewis has succumbed inevitably to the Obama Delusion, the vision, once so widely shared, of the blinding splendor of this fellow who has proved to be so ordinary. As a Delusionist he happens upon Obama doing unexceptional things that become, by virtue of Obama doing them, wildly impressive. Lewis discovers, for example, that President Obama is required to make many decisions in his job. He makes fewer of them than we might hope, of course, as in his temporizing response to the Syrian uprising; and the ones he does make are ones we might wish he hadn’t made, as in his insistence on spending so damn much money. But what wows the author is the *incredible complexity* of the process by which those decisions are made.

“Many if not most of his decisions are thrust upon the president, out of the blue, by events beyond his control,” Lewis writes, as if bringing the news. “They don’t order themselves neatly for his consideration.”

He quotes President Obama at length on the subject. Indeed, the president seems to have spent as much time thinking about how he makes decisions as he has spent making decisions.

“You wind up dealing with probabilities,” the president told Lewis. “Any given decision you make you’ll wind up with a 30 to 40 percent chance that it isn’t going to work. You have to own that and feel comfortable with the way you made the decision. You can’t be paralyzed by the fact that it might not work out.”

Reading Lewis’s article you’re reminded that Obama was himself the first Obama Delusionist. He can take an unoriginal observation, as he does

here—*nothing’s for certain in this big ole world, so you better get used to it*—and make it seem as complicated as possible, draping it in “probabilities” and using the moment’s most fashionable words: He not only “owns his decisions,” he works in a “shifting model” and needs to “frame an issue” to create a “narrative” that might inspire a “conversation.” And he releases these clouds of jargon, the cant of a *Vanity Fair* pseud, knowing that his fellow Delusionists will be knocked over. The White House staff, surely smitten, never suspects that the president is a windbag.

Lewis says the president himself suggested the outline for his article. “He led me to the general idea that I should frame this piece around a single decision,” Lewis told Gross. With the president’s help, he discovered that “the decision about Libya was so interesting.” He’s referring to the president’s decision last year to use troops to help dethrone Muammar Qaddafi. (Unluckily, Lewis’s article was published during a week when the wisdom of the Libyan intervention began to look, in hindsight, maybe not-so-wise.) At this point in “Obama’s Way,” Lewis goes all Bob Woodward on us. He reconstructs, tick-tock fashion, how Obama decided to intervene.

In making his decisions, Lewis explains, the president attends meetings. Beforehand, he is given a list of the people who will be there. Many people speak at these meetings. The president listens to their arguments. He considers the actions they recommend. And when he’s not satisfied with the actions they’re recommending, he asks them to come up with other ideas, sometimes on short notice. In the end, he adopts the arguments he’s persuaded by and chooses the actions he agrees with.

It’s incredible. Perhaps he is The One.

You wonder why the president should want Lewis to write in-depth about the Libyan decision, which was made a year before Lewis began shadowing him. For all his unprecedented access, his six months of being a fly-on-the-wall, Lewis apparently wasn’t

able to witness a decision firsthand that would serve as an example of the president’s excellence. And Lewis neglects to mention that in the long catalogue of the president’s foreign-policy making, the Libyan intervention is an anomaly—an intervention from an administration notable for its reluctance to intervene in anything but the American economy.

Lewis writes as though he’s never read a presidential biography or a White House memoir; and his White House handlers were betting, I suppose, that his readers haven’t either. Certainly the media figures who helped him publicize his gee-whiz thesis, interviewers like Gross and Rachel Maddow (was Charlie Rose sick last week?), were enthralled. The president’s frustration with a stubborn opposition, his difficulty in keeping fresh and informed by outside advice, his habits of leisure (he works out a lot—a lot), the variety of tasks he’s asked to perform, the solace he takes from family life—all appear to the Delusionist to be new and unexpected in the annals of presidential leadership.

At a length of 13,000 words, “Obama’s Way” eventually offers a few items of interest. The president has begun to worry that people find him cold. He hastens to assure Lewis, in answer to a question Lewis didn’t ask, that this seeming defect is in fact a virtue. He’s no good, he says, at “faking emotion,” not realizing that this implies he has little emotion to fake. He clings to his belief in his oratorical powers. “My best speeches are when I know that what I’m saying is true in a fundamental way. People find their strength in different places. That’s where I’m strong,” he says, failing to mention that he’s given a single moving speech (in honor of Gabby Giffords) among hundreds of speeches over the course of his term.

There’s something touching as well as creepy in the Delusion as it fades. Lewis’s article can be seen as one final effort to recapture the magic, to reinflate the soufflé long after it went pfft. It’s not Michael Lewis’s fault, it’s not even the fault of the White House staff, that the material just isn’t there. ♦

Living with Islam

Begin with Western strength and confidence in our principles. BY REUEL MARC GERECHT

For close to 1,300 years, Muslims cared little what infidels thought of them. The curious caliph, sultan, vizier, or cleric might engage the arguments of Christians questioning the one true faith, but such disputatious exchanges were made as much out of befuddlement as disdain: Any sensible, well-educated man would obviously see the superiority of Islam over earlier imperfections.

The great 14th-century historian Ibn Khaldun could understandably wonder whether civilization was again, finally, arising in the cold lands of Christendom. Dante Alighieri could assign the prophet Muhammad to the ninth circle of Hell in the *Divine Comedy*; there is no classical or medieval Islamic equivalent of such literary fear and distaste. Powerful, proud, and vastly more cosmopolitan than their Christian counterparts, Muslims just couldn't be bothered. Even in decline, after European technological superiority became undeniably obvious on the battlefield, Muslims remained religiously self-confident until the West's growing military power and intellectual allure made them the subjects of Christian rulers—a distasteful disposition, the reverse of the natural order.

We don't know whether the surreal, bigoted film *The Innocence of Muslims* really had anything to do with attacks on our diplomatic compounds in Cairo and Benghazi. Given the premeditated and well-armed nature of the onslaught in Libya, it seems most unlikely. Angry jihadists or former members of the Qaddafi regime (and the two may not be mutually exclusive) would love to kill Americans for the *frisson*, let alone the enormous

political advantage gained from belittling the elected, non-Islamist government and possibly provoking America to run. In Egypt the film might be more consequential, since the onslaught, though probably planned, seems more popular in inspiration.



Touchy, touchy

Islamic fundamentalist leaders are always able, if so inclined, to inflame their followers against Westerners for roughing up Muhammad and their holy book, which for faithful Muslims is the word of God. Local grievances and political cunning are hard, if not impossible, to separate from modern fundamentalism's penchant to see the "far enemy" (the West) as the near one, to see fifth columnists among insufficiently faithful Muslims. And Westernized, secular Muslims are everywhere in the Middle East. Osama bin Laden did not originate this idea. It's a defining theme for Hassan al-Banna (1906-1949), the founder of the Egyptian Brotherhood, Sayyidd Qutb (1906-1966), the radical icon whose multivolume commentary on the Koran remains a must-read for intellectually curious faithful believers, and, on the Shiite side, Iran's

Ayatollah Ruhollah Khomeini and his successor, Ali Khamenei.

Egypt's Muslim Brotherhood and Salafists both see red when they think of America, the turbocharged engine of the West's materialistic and libidinous culture. With Egyptian *überalles* hubris spurring them on, they see themselves fighting a battle over virtue at home and for the hearts and minds of Muslims everywhere. When Ayatollah Khomeini in 1989 alighted upon the brilliant idea of putting a bounty on the novelist Salman Rushdie's head, fundamentalist outrage went global.

In part, this mimics the West, whose ethics are the "universal values" extolled so energetically by Europeans, Americans, and third-worlders who admire, even if they have a hard time saying so, Occidental culture. If Westerners can hurl their values via the United Nations, socially conservative or politically militant Muslims can try to do the same, or use the Organization of the Islamic Conference, a contemporary attempt to reify the idea of the *Ummah*, the politico-religious community of believers founded by the prophet Muhammad, as their global bully-pulpit. Westerners have their "hate crimes"; Muslims want to ban offensive speech. "Human rights" have no borders, so the militant Muslim variation on this categorical imperative—the obligations that man owes to God—knows no borders.

The real political driver in Cairo may well have been a Salafist/Muslim Brotherhood clash and the fear, however preposterous it may seem to us, that the Muslim Brotherhood was too powerful and too close to the United States. A tug of war among Egypt's fundamentalists is under way. Very basic questions about Westernization (the eminence of the individual in ethics and politics), women's rights, the nature of sexuality in society, the rights of Christians, the presence of foreign tourists in the country, and, last but not least, relations with the United States are going to roil Egypt's fundamentalists. To the Western eye, the differences between Islamists may seem

Reuel Marc Gerecht is a contributing editor to THE WEEKLY STANDARD and a senior fellow at the Foundation for Defense of Democracies.

small. For Western intellectuals who watch the turbulence that has come to the Middle East with the Great Arab Revolt and see now only “madness” among the masses, dilating upon the differences among fundamentalists may seem pedantic, if not insane. But those differences are critical to Egypt’s future and America’s security.

We do not know, for example, whether elected Islamists will support, openly or covertly, jihadists targeting the United States. It’s entirely possible that the recent attacks were orchestrated by al Qaeda-affiliated groups. It’s a reasonable conjecture that the Salafist leaders who drove their followers over the embassy’s walls would be inclined to give jihadists more running room in Egyptian society than would the Brotherhood. Even though the Brotherhood intellectually spawned the Salafists in Egypt, the children appear considerably more violent than their parents.

Look at tourism. The Salafists want to kick the European tourists—carriers of rotten mores and skimpy beachwear—out of Egypt and replace their hard currency with the export of baskets. The Muslim Brotherhood is trying, or at least so it seems, to figure out how to keep the tourists but neutralize their potential for contamination. A Brotherhood-dominated Egyptian government will likely fall back on the traditional Muslim view of foreign tourists as *dhimmis*, that is, religiously protected minorities who will be allowed to do more or less what they want (drink alcohol, wear bikinis, and even engage in sexually provocative behavior) so long as they do it away from Muslims (resort staff excluded). Getting to this dispensation will not be easy for many in the Brotherhood, especially the older leadership. If they get there, it will be an astonishing achievement for a group that has been absolutely frantic about the Western assault on Egyptian mores. Sayyid Qutb will be turning over in his grave.

Now take that attitude and apply it to foreign affairs. A democratically elected Brotherhood has already confronted Israel-targeting jihadists who killed Egyptian troops in the Sinai.

That was a shock. Salafists, who’d been encroaching on the Brotherhood’s social terrain in the Nile Delta for over 20 years, have openly and aggressively challenged Brothers in elections, suggesting that they, not the Brotherhood, are the truer Muslims. Now Egyptians have seen Salafists go over the U.S. embassy walls. Although it’s possible that the Brotherhood could try to reach a “grand bargain” with the more radical upstarts—peace on the home front in exchange for greater hostility toward the West—it seems more likely that the Brotherhood will be consistent: They will try to diminish the Salafists everywhere. The Salafists—not Egypt’s fractured, intellectually immature liberals and secular nationalists—are the Brotherhood’s real rivals. Al-Azhar, Egypt’s historic theological center, has always kept its distance from the Brothers, whose populist, nonclerical roots scare the traditional religious establishment. But compared with the Salafists, the Brotherhood is a pillar of orthodox rectitude. We should expect to see a Brotherhood–Al-Azhar alliance against the rise of the Salafists, who, like all who go in for ultra-strict observance, are highly suspicious of the status quo.

We want to see that happen. We want to see the Brotherhood move further down the path from an explicitly jihadist organization to a more politically pragmatic Islamist group that, while it hates the United States and Israel, is unwilling to countenance terror. (Think the post-Communist European left.) We want to see the Brothers invested in Egypt in ways that make them compromise—stretch—their Islamic virtues.

The United States shouldn’t want to stop giving money to Egypt because the Brotherhood has won. We should be inclined to give the country even more money provided the Brotherhood keeps the peace with Israel, keeps the European tourists coming, and allows opposing political parties and the press freedom to criticize and grow. We absolutely should not give any more money to the Egyptian military, thinking that it is somehow a check on the religious. It isn’t. What has happened in Turkey

under the semi-Islamist Justice and Development party over 10 years is probably happening in Egypt much more quickly: The military and security establishments are surrendering to the new, people-backed power, the Brotherhood. It’s just stupid to feed the organization’s military muscle, to tempt it (or the Salafists waiting in the wings) to use its U.S.-supplied weaponry against the Egyptian people or Israel. We want to keep the Brotherhood focused on its internal challenges, both economic and moral. The Brothers most certainly will not be America’s friends or allies, but it is through them—not Egypt’s Westernized nationalists and liberals—that we are likely to see emerge the most effective opponents of the jihadists who live to kill Americans.

The Obama administration appears to sense that more anti-Muslim video provocations might be coming down the path. That’s wise—not because anti-Muslim zealots are everywhere (though there are a lot of them) but because fundamentalism is the intellectual currency of the Arab world. Islamic militants are going to keep challenging us, as our ideas and culture keep challenging them. And we would be wise to hold our ground, which is not what happened at the embassy in Cairo, where tweets and Internet statements, still up at this writing, bent over backwards to deplore offensive characterizations of Islam. For fundamentalists, the definition of what is offensive covers much, if not most, of Western culture.

Monty Python’s brilliant *Life of Brian*, which was deeply offensive to some Christians, is, really, at the center of who we are as Westerners: Through deduction, induction, and merciless wit, we question everything. Don’t we really want to see Muslims, especially in the Middle East, have the religious self-confidence and tolerance to make the *Life of Muhammad*? After the publication of Khomeini’s death *fatwa* against Salman Rushdie, Rowan Atkinson, one of the great comedic geniuses of the West, put a Khomeini skit on *Not the Nine O’Clock News*, a

TV series that mocked everything. The silent and stern ayatollah was suddenly confronted by a beautiful nude blonde who wrapped herself around him. His eyes wandered. The Iranians protested; British officialdom apologized.

Is that what America has come to? We have a sensitive secretary of state (who probably loved every moment of *Life of Brian*) apologizing for something that denigrates Islam? A little more than 30 years ago, Patricia Crone and Michael Cook, who are now among the greatest scholars of Islam, wrote a book called *Hagarism*, which posited that Islam could well have been originally a Jewish messianic movement. The same year, another world-class scholar, at the University of London, John Wansbrough, wrote *Quranic Studies*, an extraordinarily erudite (and difficult) book arguing that the Muslim holy book could not have been written by one man, that it was the product of several men over a period of centuries.

Imagine if these books had been published after *The Satanic Verses* and some provocative fundamentalist had decided to take issue. It's impossible to imagine anything more "denigrating to Islam" than authors who argue that the prophet Muhammad didn't exist, the Koran wasn't "revealed," and Islam's founding fathers were really Jews on the march. Would Hillary Clinton apologize for their outrageous writings? How in the world do Muslims develop freer, more liberal societies, where women can flourish, if we always allow the most dogmatic to win the debate? In a globalized world, they are in our business and we are in theirs.

We obviously should stand our ground, because we want to live in societies where comedians and scholars can address any subject they want. But most of all, we should hold firm so that Muslims can pass through the gauntlet of modernity faster and less bloodied than we did. It's a very long road from where the Egyptian Muslim Brotherhood is now to a Muslim society sufficiently self-confident that it does not strike out with violence. But Muslims are unlikely to get there if the center of "global civilization" loses its nerve. ♦

The Al Qaeda Connection

Those were not spontaneous protests.

BY THOMAS JOSCELYN

On September 11, seemingly spontaneous protests erupted in Libya and Egypt over the online trailer for an anti-Islam video that almost no one in the West had heard of. The protests quickly became violent, ending in the deaths of Ambassador Christopher Stevens and three of his fellow Americans in Benghazi. Demonstrations against *The Innocence of Muslims* then spread throughout the world, even as the Obama administration repeatedly denounced the film. The administration went so far as to ask YouTube if it could find a reason to take the file down (the Google-owned website left it online, but blocked Egyptians and Libyans from seeing it). Thus did the administration focus attention on what it portrays as the real problem: a rogue video. As White House spokesman Jay Carney explained during a press briefing, "This is not a case of protests directed at the United States. . . . This is in response to a video that is offensive to Muslims."

That is the tidy narrative the administration and the media have settled on. The protesters were enraged by blasphemy; the attacks had nothing to do with America's broader conflict against Islamist extremists. Reality is otherwise.

The video may have helped organizers raise mobs, but Islamist extremists, including al Qaeda, skillfully exploited the mobs for their own purposes, especially in Libya. Ambassador Stevens was not killed by rioters; he was killed in a well-planned terrorist assault.

The precise details of the attack in

Libya remain murky, but anonymous Obama administration officials have offered a time line to reporters.

Around 10 P.M. local time, the assault on the American compound began. Within 15 minutes the attackers were inside the compound, shooting at the main consulate building, which was set on fire during a heavy barrage. At 10:45 P.M., according to a senior administration official, "U.S. security personnel assigned to the mission annex tried to regain the main building, but that group also took heavy fire and had to return to the mission annex." More than half an hour after that, at 11:20 P.M., security personnel regained control of the main consulate building and moved the survivors to a nearby annex.

The terrorists then shifted their focus to the annex, firing upon it around midnight. Some reports suggest that they had inside information pointing to the Americans' new location. The attack on the annex lasted approximately two hours. It was not until 2:30 A.M., four and a half hours after the consulate was first fired upon, that security forces were able to restore order.

"This was a very well-sophisticated [sic], coordinated event," Mike Rogers, chairman of the House Intelligence Committee, explained during an interview with CNN. The attack was "not something you throw together in a day and say we're going run out to do this," Rogers continued. "I got to believe this was timed to happen on this date."

Responsibility for the attack will take time to apportion. The U.S. investigation has been delayed as the security situation makes the FBI's work impossible, but it is widely

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

suspected that an al Qaeda-linked group was the culprit.

One such group is Ansar al-Sharia, which issued a quasi-denial, claiming that Muslims are unified in their opposition to the American presence in Libya. Ansar al-Sharia is a relatively new brand al Qaeda is using to redeem itself in the eyes of Muslims, who have been the primary victims of al Qaeda's terror. In Yemen, for instance, the head of al Qaeda's affiliate also leads an Ansar al-Sharia chapter. New Ansar al-Sharia chapters have been opened across the Middle East and Africa in the past year.

According to CNN, another suspect group is called the Imprisoned Omar Abdul Rahman Brigades. This group claimed responsibility for an attack on the International Red Cross office in Benghazi in May and an explosion outside the U.S. consulate in June. Omar Abdul Rahman, aka the "Blind Sheikh," is serving a life sentence in a U.S. prison for his leading role in the 1993 World Trade Center bombing and a follow-on plot to blow up New York City landmarks. Al Qaeda regularly agitates for his freedom. The Blind Sheikh is so popular that during his inauguration speech in June Egyptian president Mohamed Morsi promised to work for the radical cleric's freedom.

Libya is teeming with al Qaeda types. In an interview with THE WEEKLY STANDARD, one senior U.S. intelligence official who tracks the jihadist scene there described it as "a coalition of different groups, under a wide array of leaders, all working to advance al Qaeda's global objectives." Ansar al-Sharia is the umbrella organization and has various "brigades" beneath it, according to this official. It is entirely plausible that the attack on the U.S. consulate was al Qaeda's doing.

In neighboring Egypt, the assault on the U.S. embassy was not deadly as in Libya, but it was sinister nonetheless. Shortly after an al Qaeda-style flag

was hoisted in place of the Stars and Stripes, some noticed that Mohammed al Zawahiri was on the scene. He is the younger brother of Ayman al Zawahiri, the head of al Qaeda since Osama bin Laden was killed in May 2011. After spending more than a decade in an Egyptian prison, Mohammed al Zawahiri was suddenly freed in March.

In interviews with CNN and Al Jazeera, Mohammed al Zawahiri has attempted to portray himself as almost a moderate, willing to broker a peace between the Islamists and America. A close examination of his words reveals that is not true. Even in his most recent



The U.S. consulate in Benghazi

interviews Mohammed al Zawahiri justifies the 9/11 attacks and says he shares the same ideology as his older brother. He has gone further, gloating that no matter how many senior al Qaeda leaders America kills, al Qaeda's ideology is spreading.

Ayman al Zawahiri made the same point in a video released on September 10. That video features a clip of the younger brother in one of his televised interviews. Ayman al Zawahiri also offered to exchange an American captive named Warren Weinstein, who is being held by al Qaeda, for the Blind Sheikh.

In fact, the more closely one looks at the events in Egypt the more they appear to have been deliberately staged by al Qaeda-affiliated terrorist groups. "We called for the peaceful protest joined by different Islamic factions including the Islamic Jihad [and the] Hazem Abu Ismael movement,"

Mohammed al Zawahiri admitted, according to CNN. The Islamic Jihad to which he referred is also known as the Egyptian Islamic Jihad (EIJ) and is an important member in good standing of al Qaeda's international jihadist coalition. Also participating in the anti-American rally was Gamaa Islamiya (IG), a designated terrorist organization that still reveres its spiritual leader, the Blind Sheikh. Weeks before anyone had heard of *The Innocence of Muslims*, the EIJ and IG had decided to rally for the sheikh's freedom on September 11.

Known al Qaeda allies have been instrumental in fomenting the protests elsewhere as well. In Yemen, according to the *New York Times*, a cleric named Abdul Majid al Zindani "urged followers to emulate the protests in Libya and Egypt." Hours later, protests erupted in Yemen, and the U.S. embassy in Sanaa was stormed. Zindani has been on the Treasury Department's list of "specially designated global terrorists" since 2004. In designating

him, Treasury cited Zindani's close relationship with Osama bin Laden. Zindani is an especially influential jihadist cleric who leads a network of radical schools and whose students have regularly joined al Qaeda.

The protests spread across the globe quickly. It would be naïve to think that al Qaeda and its comrades in arms orchestrated all of them. It would be even more naïve, however, to attribute them to spontaneous outbursts against a pathetic film. The fact that they started on September 11 points to a deliberate plan by Islamist extremists and terrorists to make a splash once again.

Their plan worked. The Arab world has exploded in a fit of anti-American anger. An American ambassador has been killed. And the Obama administration is focusing on a video that up until September 10 almost no one had watched. ♦

NEWS.COM

Why Obama Is Still Ahead

The economy alone won't win the election for Romney. BY FRED BARNES

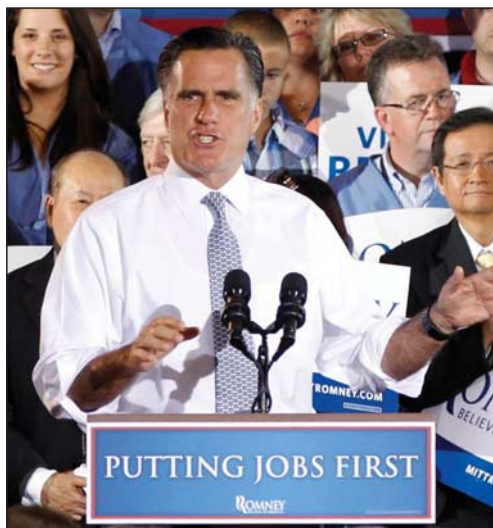
President Obama is outside the ideological mainstream, viewed as very liberal by an electorate that's moderate or somewhat conservative. His domestic policies are unpopular, notably his health care law, economic stimulus, and spending plans. His foreign policy initiatives—curbing Iran's nuclear weapons program, improving America's position in the Middle East, fostering better relations with Russia—have failed. The public wants Obama to jettison his ineffective economic policies and implement new ones. But he refuses.

Since Obama took office in January 2009, the well-being of Americans has declined. Slow growth, high unemployment, increased poverty, and millions of dropouts from the job market are hallmarks of his presidency. The median income of American households has fallen to its lowest level since 1995. From June 2009 (when the recession officially ended) to June 2012, median annual household income diminished from \$53,508 to \$50,964. All age groups under 65 suffered drops in income, 25-to-34-year-olds a drop of 8.9 percent.

Yet Obama, despite this litany of failure, has a 50-50 chance, maybe better, to win reelection. His poll numbers are roughly the same as President Bush's in 2004, when he won a second term. A majority of Americans still like Obama personally. His job approval, which loosely correlates with an incumbent president's share

of the actual vote, has hovered in the high 40s. Last week, it hit 51 percent in a Gallup poll. By comparison, President Carter's approval rating at this time in 1980 was 37 percent.

Obama's escape from accountability—or at least from anything close to full accountability—is the mystery of



It isn't just the economy, stupid.

presidential politics in 2012. Polls by Gallup, Fox News, and Zogby gave Obama a 6-point lead over Mitt Romney last week. True, other polls gave Obama a smaller lead, and Rasmussen had Romney ahead 48-to-45 percent. Nevertheless, the mainstream media have now concluded that Obama is the likely victor on November 6.

How did this happen? If there's an overriding answer, I haven't found it. A number of factors seem to have played a part: the press, incumbency, polling, the Obama and Romney campaigns. Let's examine them one by one.

• The media. If a Republican president had a record like Obama's, his

approval rating would be lower than Carter's. Press bias in Obama's favor is a given. It was activated again by the attacks on American embassies in the Middle East. The media scorned Romney's criticism of the Obama administration's response as a gaffe that may have doomed his campaign. Obama got a pass, though the anti-American assaults were stark evidence of the failure of his policy toward Islamic countries.

This was press favoritism at its most typical: Obama's okay, his critics aren't. The list of issues on which the president has been treated with deference is long. Refusal to address the looming debt crisis, opposition to entitlement reform, failed policies to spur the economy, create the promised green jobs, or mitigate the housing bust, dishonest campaign ads, record numbers on food stamps, higher gas prices and insurance premiums—the media have held Obama responsible for none of these. Instead, they zing him on trivialities, like playing golf too often or having too few press conferences.

• Incumbency. Obama has used his office cleverly to promote himself. He took enormous credit for ordering the assassination of Osama bin Laden, a decision any president would have made. His wife Michelle, more active than any first lady in recent memory, has become a huge asset. He used executive orders to enact programs like

amnesty for young illegal immigrants and to weaken the work requirement in welfare reform. He's made recess appointments when Congress wasn't in recess. All of this, by the way, to please liberal interest groups. Obama has also marketed, with some success, a dubious idea: The 2008 recession was so damaging that an anemic recovery is the best that could be hoped for. This lets Obama off the hook for a woeful economy.

• Polls. Polls often make Obama look more popular than he is. In some cases, pollsters use a sample of voters more appropriate for 2008 than 2012. "I do believe pollsters are being

Fred Barnes is executive editor of THE WEEKLY STANDARD.

AP / CHARLES DHARAPAK

cautious about turnout models,” a conservative pollster said. “They are skewing towards a 2008 turnout model rather than something normal, which helps Obama’s numbers. I also think there are just a slight number of folks who say they are voting Obama, but really not. Maybe 1 or 2 percent.”

One practice that aids Obama and Democrats is heavy reliance on cell phone interviews, a pollster told me. “If they’re getting 30 percent of their responses from cell phone interviews,” as some pollsters do, that “may skew their responses to a more D-leaning audience.” This pollster does 20 percent cell phone interviews and last week had Romney leading Obama, 48-to-47 percent.

- The Obama campaign. It gets credit for turning the presidential race, partly anyway, into a choice between two candidates rather than a referendum on Obama’s record. This has been the president’s goal since his reelection drive went full-throttle in early 2011. By trashing Romney as a greedy, uncompassionate plutocrat, the strategy is to persuade voters he’s an unacceptable alternative as president.

- The Romney campaign. It hasn’t adjusted to the campaign as a choice. “That’s the problem,” says pollster Frank Luntz, who has conducted dozens of focus groups this year. “When your opponent has \$1 billion to spend, it’s [no longer] a referendum. It’s a choice.” Swing voters and independents don’t believe Obama deserves reelection, Luntz says, but Romney “hasn’t made the case for himself.” There’s “no ‘not Obama’ lever. They’ll have to pull the Romney lever. At this point, they aren’t willing to do that. He hasn’t given them a reason why.” Were the election solely about Obama’s record, he wouldn’t need to.

Barack Obama isn’t Jimmy Carter. The economy won’t drag him down as it did Carter in 1980. In last week’s Fox News poll, Obama and Romney were tied on who voters “trust to do a better job on improving the economy and creating jobs.” The message to Romney here is so clear that even his campaign staff should be able to understand it. ♦

The Doctrine that Failed

There’s a reason we get no respect in the Middle East. BY **STEPHEN F. HAYES**

On the eleventh anniversary of the 9/11 attacks, radical Islamists breached the walls of the U.S. embassy compound in Cairo, tore the American flag to shreds, and replaced it with the black flag preferred by al Qaeda, which reads, “There is No God but God, and Muhammad is his messenger.”

The embassy had been warned of protests in advance. Much of the staff was told to stay home. The pretext for the protest was a YouTube video promoting an obscure film, *The Innocence of Muslims*, that mocks the prophet Muhammad. Larry Schwartz, a communications specialist in the embassy, released a statement before the protesters had assembled, intended to assuage their anger.

It read, in its entirety:

The Embassy of the United States in Cairo condemns the continuing efforts by misguided individuals to hurt the religious feelings of Muslims—as we condemn efforts to offend believers of all religions. Today, the 11th anniversary of the September 11, 2001, terrorist attacks on the United States, Americans are honoring our patriots and those who serve our nation as the fitting response to the enemies of democracy. Respect for religious beliefs is a cornerstone of American democracy. We firmly reject

the actions by those who abuse the universal right of free speech to hurt the religious beliefs of others.

That statement was the official position of the U.S. government for more than 12 hours. In a midday briefing, a State Department spokeswoman acknowledged that the embassy walls had been breached but

said nothing about the statement. At 10:10 P.M. that evening, an Obama administration official told *Politico* that “the statement by Embassy Cairo was not cleared by Washington and does not reflect the views of the United States government.”

Which part of the statement did not reflect the views of the U.S. govern-

ment? The next day, a U.S. official explained the objections to *Foreign Policy* reporter Josh Rogin. “The statement was just tone deaf. It didn’t provide adequate balance. We thought the references to the 9/11 attacks were inappropriate, and we strongly advised against the kind of language that talked about ‘continuing efforts by misguided individuals to hurt the religious feelings of Muslims.’”

That made sense. The language was soft. It projected weakness. And it elevated this obscure video by taking seriously the preposterous claims that the Islamists who gathered outside the embassy to protest, as they have done for months, were there primarily because of a movie



We couldn't be sorrier.

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

most of them probably hadn't seen.

Beyond the substance was politics. Mitt Romney's campaign had criticized the embassy statement as "disgraceful" in the way it had "sympathize[d] with those who waged the attacks." So there were many reasons the president's advisers sought to distance him from the embassy statement.

But in one of the strangest turns of a remarkable week in American diplomacy and politics, just as the White House and the Obama campaign were distancing the president from the problematic language, the Obama administration seized on the film and the hurt feelings of Muslims to explain the growing number of anti-American protests around the world. The subsequent statements often included a condemnation of all kinds of violence and sometimes a few words in defense of free speech. But of paramount concern was the religious sensitivities of radical Islamists and the offensiveness of the video.

In her statement Tuesday night, Hillary Clinton said: "Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet. The United States deplores any intentional effort to denigrate the religious beliefs of others. Our commitment to religious tolerance goes back to the very beginning of our nation. But let me be clear: There is never any justification for violent acts of this kind." On Wednesday, President Obama condemned "all efforts to denigrate the religious beliefs of others."

By Friday, as the violent protests spread to more than a dozen countries in the Middle East and beyond, Clinton said: "We've seen rage and violence directed at American embassies over an awful Internet video that we had nothing to do with." White House press secretary Jay Carney also fixed blame on the film and even suggested that the date of the protests, 9/11, was merely coincidental. "The unrest we've seen around the region has been in reaction to a video that many Muslims find offensive. And

while the violence is reprehensible and unjustified, it is not a reaction to the 9/11 anniversary that we know of—or to U.S. policy."

In the space of three days, then, the administration had gone from seeking to distance the president from the embassy's statement to embracing the heart of that message. And then it went further. The White House asked YouTube to review its policies to determine whether the offensive video might qualify for removal from the website. It didn't.

In retrospect, the administration's effort to hide behind the film should not be surprising.

Barack Obama campaigned as a leader who would bring respect to the United States from the Muslim world by the very fact of his presidency. He said his background—his experience growing up in Indonesia and traveling in Pakistan during

college—gave him special insight into the way Muslims see the world.

Candidate Obama contrasted his foreign policy posture with that of the Bush administration by promising to bring a more conciliatory approach to America's challenges in the region and to resolve our problems with "smart diplomacy." As president he would renew American leadership in the world with a more humble approach—"leading from behind," one of his advisers would famously call it.

These were the ideas that animated the Obama Doctrine. Just a few days before, the president had pointed to his approach as a reason for voters to keep him in office. "In a world of new threats and new challenges," he said, "you can choose leadership that has been tested and proven."

Tested and proven—to fail. ♦

Country Roads to Nowhere

Obama deserts coal; Democrats desert Obama.

BY HENRY PAYNE

Charleston, W. Va.

The billboard high over I-64 outside the capital of this blue-collar state minces no words: "Obama's NO JOBS ZONE: The President talks about creating jobs but his EPA is destroying jobs."

Businessmen across nearly every American industry cite the Obama administration's regulatory assault—from Obamacare to bank lending restrictions to fuel-economy mandates—as a cause of America's jobless recovery. But perhaps no industry can count job losses the White House is causing like the coal industry.

Henry Payne is editor of themichiganview.com and editorial cartoonist for the Detroit News.

"We have been forced by our own country's president and his followers and supporters to permanently close the operation," said Stanley Piasecki, general manager of OhioAmerica, in announcing the closure of his eastern Ohio coal mine on July 31. "Both Mr. Obama and Vice President Joe Biden stated that there would be 'no coal in America' prior to their elections. They are making good on their intentions while they destroy so many lives."

"Current market pressures and a challenging regulatory environment have pushed coal consumption in the United States to a 20-year low," said Arch Coal president and CEO John Eaves as he announced

the elimination of 750 jobs in Kentucky, Virginia, and West Virginia in late June, devastating areas like Perry County, Kentucky, which has lost 30 percent of its coal jobs on the way to today's 13 percent unemployment rate in the county.

Alpha Natural Resources also announced in June that it was closing down mines and 150 jobs because, according to the blog 24/7 Wall Street, "future sales forecasts also are being affected by a series of regulatory actions by the U.S. Environmental Protection Agency, which has resulted in utilities announcing plans to shut down a number of generating stations that have traditionally used Central Appalachia coal."

For three years Obama's EPA has done an end run around the legislative process and deployed a platoon of new emissions regulations—forcing older plants to shut down under zealous mercury rules and effectively banning coal plant construction with new carbon regulations. The agency is also waging a permitting battle against mining operations.

Though largely ignored by mainstream media that have cheered the White House global warming agenda, the effect has been devastating to businesses and communities across the eastern coal belt. The War on Coal has turned politics in West Virginia—where registered Democrats outnumber Republicans nearly 2:1—upside down. The state is hostile ground for President Obama. In May, he was embarrassed in the state's Democratic primary when an inmate serving time in a Texas penitentiary made the ballot and scored 43 percent of the vote against the president. Recent polls give his GOP opponent, Mitt Romney, a double-digit lead.

At the Democratic National Convention, Obama told delegates that

America "will face the clearest choice of any time in a generation." But leading members of the West Virginia delegation had already made their choice not to attend in protest over the president's regulatory edicts. Democratic governor Earl Ray Tomblin, U.S. senator Joe Manchin, and congressman Nick Rahall all stayed home. While Obama touted his "goals in manufacturing, energy" that would "lead to new jobs, more opportunity, and rebuild this economy," Governor Tomblin was



A billboard in Charleston, West Virginia

the guest at a coal retreat pondering a state industry that shed 1,300 jobs in just the second quarter. The West Virginia delegation was not alone: Pennsylvania congressman Mark Critz, a coal country Democrat, also skipped Charlotte.

In neighboring Ohio, Mike Carey, chairman of the Ohio Coal Association, condemned the EPA's boot on the neck of that swing state, where six coal-fired power plants are scheduled for closure, taking with them hundreds of jobs.

"If you're looking regionally, these folks understand how bad this administration has been to the American coal industry. . . . It's an all-out war," he says. The Romney campaign has noticed. Last month, the GOP's candidate stood in front of a wall of overall-clad blue-collars at an eastern Ohio mine and denounced his opponent's "war on coal."

The administration's actions are a historic exercise in depriving America of its greatest natural resources. Where the White House masks its global warming agenda when regulating auto miles-per-gallon by citing the need for "energy independence," its restrictions on domestic coal expose its true carbon-capping intentions. The "Saudi Arabia of Coal," the United States boasts some of the world's largest coal reserves, according to the Energy Information Administration—an estimated 240 years' worth.

The use of coal has not only brought generations of jobs, but also is the backbone of American electricity generation, providing 40 percent of the nation's electricity—which in turn gives America's Midwest manufacturing sector a competitive advantage with some of the cheapest electricity on the planet.

In June, Patriot Coal—with 12 mining complexes across

Appalachia to Illinois and some 2 billion tons of proven coal reserves—became the first U.S. coal company to file for bankruptcy in years as its shares (echoing other coal companies') fell 72 percent to 61 cents. There will be no federal coal bailout. Moody's has downgraded the U.S. coal industry's outlook to "negative" in part, says the rating service's senior analyst Anna Zubets-Anderson, because "newly proposed U.S. carbon dioxide regulations would effectively prohibit new coal plants."

In Charlotte, President Obama conjured cheers from his audience when he said, "My plan will continue to reduce the carbon pollution that is heating our planet, because climate change is . . . a threat to our children's future."

In working-class middle America, the threat to the future is Obama's plan. ♦

Disrupting Obama's Plan for Victory

Romney can deploy the social issues.

BY FRANK CANNON & JEFFREY BELL



Remember them? They vote.

In the July 2 issue of this magazine, we argued that anyone wishing to understand President Obama's reelection strategy should forget about the 2008 election and examine instead his successful drive to win congressional approval of Obamacare in 2009-2010. He and his team accomplished this by giving up on any effort to change the "elephant in the room"—the persistent unpopularity of Obamacare—and focusing instead on "mobilizing the left power base (labor, the social left, AARP, and Hollywood) and moving through special interests (hospitals, insurance companies, Fortune 500) to assemble, piece by piece, an economic and lobbying juggernaut."

The Obama strategy amounted to an odd combination of moral lecturing and raw power—Harvard plus

Frank Cannon and Jeffrey Bell are president and policy director of the American Principles Project, a Washington-based advocacy group.

the Chicago Way. Social conservatives and grassroots Tea Party activists attempted to counter this with moral arguments—warning of death panels, universal abortion coverage, violation of the Constitution, and the like—but the conservative and Republican elites who set the tone and controlled most of the anti-Obamacare spending elected to downplay such themes and stick to utilitarian arguments about why the legislation would add to the deficit and make health care worse for most Americans. Though accurate, these arguments proved insufficient to turn the debate.

Today it is even clearer than two months ago that the pattern of the 2009-2010 Obamacare battle is repeating itself in the 2012 election. The Obama campaign is adroitly slicing and dicing the electorate, and the predominant response, so far, of the Romney campaign and of the Republican elites who control

the bulk of independent spending is to offer the prospect of superior economic management should Mitt Romney be elected.

The Republican strategy is understandable in the sense that when it comes to the election, the "elephant in the room"—the central fact that can't be changed—is a national economy that has been at best stagnant during the entire Obama incumbency. Even so, if Democrats can fight the economic issue to a draw or near draw, the "tie breaker" will move toward other issues—in particular, social issues and foreign policy. This is exactly what is happening, though the GOP establishment shows little awareness of it.

The Democrats' success in neutralizing the economic issue was underlined by the killer line of Bill Clinton's September 5 speech at the Democratic convention in Charlotte: "They want to go back to the same old policies that got us into trouble in the first place." This trouble was so deep and comprehensive, Clinton helpfully added, that no one—not even he, Bill Clinton—could have made any more progress than has Barack Obama in turning the economy around. In other words, George W. Bush still deserves more blame than Obama for the sorry state of our economy. Nothing infuriates Republican elites, especially Bush-connected ones, more than this line of argument.

The problem is that the American people pretty much agree with Bill Clinton rather than with Republican elites. In Gallup's most recent sounding on this issue in June, 68 percent still blame Bush for the economic crisis while 52 percent blame Obama. Perhaps surprisingly, the blame assigned to Bush has shown little change over the past two years. Awareness of such polling of course accounts for the near-total absence of the former president's name and image from the GOP convention in Tampa.

There would seem to be two paths for Republicans to take control of the economic issue and make it a clear net plus for Mitt Romney. One is to find a way to decouple Romney's economic policy from that of Bush.

AP / DERIK HOLTSMANN, BELLEVILLE NEWS-DEMOCRAT

In substantive terms, the biggest economic policy difference between Bush and Romney is the easy-money policy of the Federal Reserve under Bush appointee Ben Bernanke. Bush supported it, so does Obama; Romney doesn't. Romney has said that if elected he would want a new chairman and a new policy for the Fed. But the monetary issue is unlikely to be taken up, if only because of a deep division among Romney's issue advisers. Romney's top economic guru, Bush alumnus Glenn Hubbard, recently praised Bernanke's performance and said he should be considered for a third four-year term as chairman, only to be corrected by Romney a day or two later.

The second path is for Team Romney to recast the economic debate into a choice between two diametrically opposed paths to the future. This seemed possible in mid-August when Romney chose Paul Ryan as his running mate. But after a brief flurry of engagement on such issues as Obamacare's raid on the Medicare trust fund, the Romney/Republican strategy reverted to its earlier theme of reminding voters that the Obama economy is underperforming and could benefit from more competent management by Romney. Perhaps unconsciously channeling the view of an earlier governor of Massachusetts who became a nominee for president, Michael Dukakis, the Romney/Republican plea seems to be for the debate to turn on "competence, not ideology."

Neither Team Obama nor the thoroughly polarized politics of 2012 seems likely to accommodate Romney and the GOP establishment on this point. Even on economic issues, this is a morally tinged, values-laden election, the closest thing to political Armageddon since, say, 1860. In elections of this type, technocratic competence is unlikely to carry the day.

At times Romney himself seems to sense this. He defended traditional marriage in his speech to the NAACP, which turned out to be the only applause line from an otherwise partisan audience. He decried the

removal of God from the Democratic platform, before his strategists pulled him back when a reference to God was restored in Charlotte amid the boos of hundreds of delegates. To the horror of the mainstream media, Romney seems to sense that the implosion of the Obama foreign policy on September 11, 2012, in Benghazi and Cairo is above all else a moral collapse, deeply intertwined with the administration's unwillingness to defend the values of America's founding.

When it comes to social issues, the Romney advertising campaign has on occasion interrupted its economic messaging to take a glancing shot at such targets as the HHS mandate and the grave threat it poses to the existence of the American Catholic church in the public square. The powerful and preeminent independent campaign managed by Karl Rove and his Crossroads organization never has addressed and apparently never will address this issue.

We have worked with Rove on more than one issue and greatly respect his ability. We were ardent defenders of Rove during the hell to which he was subjected by independent counsel Patrick Fitzgerald's multiyear investigation of a supposed security breach he had nothing to do with. And we appreciate his role in positioning a reluctant president as a defender of traditional marriage during the 2004 presidential campaign, which proved crucial in saving the nation from John Kerry and (among other things) a liberal-run Supreme Court.

All this, and particularly that last circumstance, makes it remarkable that Rove is bringing to bear his unmatched credibility among Republican political and financial elites to discourage the deployment of social issues against the policies of an administration as extreme on such issues as this one. Moreover, the Obama campaign's strategy of maximizing turnout among the most committed elements of the Democratic base by means of in-your-face deployment of social issues makes it exceptionally vulnerable to GOP engagement on such issues. Yet to judge from the public campaign,

an undecided voter in the Midwest is unlikely to know that if Obama gets another term, same-sex marriage will be imposed nationwide by the federal courts or that the Catholic church will likely be forced to close down or vacate most of its social and educational institutions because of its refusal to pay for contraception, sterilization, and early-term abortions.

Emblematic of Rove's view of social issues is his war of words against congressman Todd Akin, who soon after winning Missouri's Republican primary for the U.S. Senate committed a gaffe concerning a woman's chances of getting pregnant as a result of rape, comments which Akin quickly retracted and for which he apologized. "As a result," Rove said in an interview, "this is a mistake from which, in my opinion, he cannot recover. . . . The race is over unless he gets out. . . . Look, it's not gonna do Todd Akin any good to lose by the biggest margin that any Republican Senate candidate has lost in modern history." Later Rove said at a private fundraiser, "We should sink Todd Akin. If he's found mysteriously murdered, don't look for my whereabouts."

Rove apologized for the "mysteriously murdered" statement when it became public, but not for his wildly inaccurate analysis of Akin's viability. No pollster shows Akin losing to Senator Claire McCaskill by the "biggest margin" in "modern history." In fact, his 5-point deficit to McCaskill in the Real Clear Politics average is at this writing the third-best showing in the country by a GOP challenger to a Democratic senator. The biggest threat to Akin's candidacy is not voter reaction to his gaffe but the cutoff of money to his campaign by the Republican establishment in response to it.

Not that the GOP establishment needs much persuading. Fear of being associated with the nonexistent "Republican war on women" is doing much more than endangering a Missouri Senate race. It is awarding Barack Obama an undeserved path to reelection by leaving largely unmentioned the socially extreme positions most likely to defeat him. ♦

The Bush Hangover

What got us into this mess . . . and what can get us out. BY PETER J. WALLISON

Despite—or because of?—continuing bad economic news, President Obama has doubled down on the argument that Mitt Romney and the Republicans will take the country back to “the failed policies that got us into this mess.” His argument is simple: While his policies haven’t (yet) worked, Romney’s (like Bush’s) would be worse.

Obama’s claim that Bush’s policies caused the recession resonates with American voters. Almost four years after George W. Bush left office, polls show the American people continue to blame him—more than Obama—for the recession that created today’s dismal economic conditions. Throughout the fall and in their debates, it’s a sure thing that Obama will continue to argue that Romney is just another George W. Bush.

How can Romney respond? First, the American people are not wrong about the cause of the recession. There is some truth in what Obama is saying. The housing policies pursued first by the Clinton administration and then by the Bush administration were responsible for the financial crisis and the recession that followed. This will be no surprise to Romney and other Republicans, since Romney and virtually all his primary season rivals agreed in their debates that the government’s housing policies were the

cause of the financial crisis. And by that they had to mean Bush.

Beginning in the mid-1990s, under the grandiose title “The National Homeownership Strategy: Partners in the American Dream,” the Clinton administration used the “affordable housing goals” that Congress had imposed on Fannie Mae and Freddie Mac to increase the availability of mortgage credit to low-income borrowers. It also loosened the standards under the Community Reinvestment Act to pull insured depository institutions further into the low-income lending program.



Okay, you can blame me now.

At first, 30 percent of all mortgages purchased by Fannie and Freddie had to be loans made to borrowers at or below the median income in the places where they lived, but in 2000 Clinton’s HUD secretary, Andrew Cuomo, increased this quota to 50 percent. When the Bush administration took office in 2001, it had an opportunity to end this program, but it gave HUD a free hand, allowing the agency to raise the affordable housing quota to 55 percent in 2007, and doing nothing to cut back the scope of the Community Reinvestment Act.

In order to meet the growing quota for financing low-income borrowers, Fannie and Freddie had to relax their underwriting standards; that was the whole idea. By 2008, half of all mortgages—28 million loans—were subprime or otherwise low quality; of these, 74 percent were on the books of

Fannie and Freddie and other government agencies or government-controlled entities. The funds that the government poured into the low-income housing market through Fannie and Freddie raised homeownership rates from 65 percent in 1995 to 69 percent in 2004, the highest rate ever recorded.

Bush took credit for this, but the huge expansion of subsidized mortgage funds also built the largest housing bubble in U.S. history. When the bubble began to deflate, it became clear why subprime mortgages had always before been a niche business—they defaulted in unprecedented numbers, driving down housing prices nationwide and weakening most major financial institutions. When Lehman Brothers failed in September 2008, a full-scale panic—the financial crisis—ensued.

Romney should not deny Bush’s error. Although Clinton began the process of forcing low mortgage underwriting standards, Bush continued and enhanced it. Instead, Romney should point out that the government should never have been in the housing finance business, and that he will eliminate Fannie and Freddie to restore a functioning housing market—something Obama has failed to do in almost four years.

But—and this is the key point—Romney can also turn the issue back on Obama, pointing out that while Bush clearly erred in his housing policies he pursued the right policies for getting the United States out of a recession, a topic far more relevant to the current election. While Obama chose vast and wasteful Keynesian-style spending—a “stimulus” of close to \$800 billion—Bush chose tax cuts in the Reagan mold, just as Romney himself has now proposed.

When Bush entered office in January 2001 the United States was sliding into a recession caused by the dot-com collapse at the end of the Clinton administration. The first Bush tax cuts went into effect in June 2001 and by November 2001—even after the calamity of 9/11—the economy had emerged from recession. Government revenues grew sharply between 2004 and 2007. Between 2001 and 2004, even

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

including the recession period, median household income rose by 1.6 percent. In the three years since the end of the last recession in June 2009—even if we don't include the losses in household income during the recession itself—median family income under Obama has *declined* by 5 percent.

Romney can compare Obama's post-recession record of spending with the effect of tax cuts under three presidents—Bush, Kennedy, and Reagan—by citing the growth in jobs that came from the Kennedy tax cuts in 1964 and, more particularly, the Reagan growth policies from 1981 to 1989. The Kennedy tax cuts produced annual average economic growth of 4 percent during the Johnson administration, but the Reagan era is a particularly apt comparison for Romney. Reagan not only cut taxes as Romney proposes, but also sought to reduce regulation. This provides a sharp contrast with Obama, who pressed for enactment of the Dodd-Frank Act in 2010, with disastrous results for the economy.

Indeed, the 1981 Reagan program of 25 percent across the board tax cuts, intended to go into effect over the succeeding three years, is closest to Romney's own 20 percent tax cut plan, but it also included a promise to reduce government regulation. After the government-worship that pervaded the Democratic convention, it is useful to recall that Reagan began his administration with this trenchant and arresting remark in his Inaugural Address: "In this present crisis, government is not the solution to our problem; government *is* the problem." With this statement, he not only identified government spending and monetary policies as the sources of the grim Carter-era economy, but he also signaled to job creators that the government's heavy regulatory hand would be lighter; it would not go away, but it would allow more latitude for investment and innovation.

Tax cuts are powerful economic stimulants, as the Kennedy, Reagan, and Bush experiences show, but

reducing regulation provides the space in which a private sector—incentivized by tax cuts—can find room to pursue the innovation and risk-taking that ultimately creates jobs. Tax cuts alone will not get the country's economy moving when it is tied down by the Dodd-Frank Act, the most restrictive regulatory straitjacket since the New Deal. The fact that Romney has proposed to repeal the Dodd-Frank Act once again puts him squarely in the Reagan mold and will be a key to his success as president.

In his convention speech and since, Obama has mocked Republican economics as offering tax cuts as a cure for everything—"Feel a cold coming on? Take two tax cuts, roll back some regulations, and call us in the morning," he said to laughter at the Democratic convention. The joke, however, is on Obama. Tax cuts might not cure a cold, but Romney can show two tax cuts and rolling back some regulations would be a better remedy for what ails America than Obama's prescription. ♦

RAMIREZ INVESTORS BUSINESS DAILY
2012 © CRENDORF.COM

VEGAS WAS MUCH MORE IMPORTANT THAN LIBYA OR AN AMBASSADOR.



NO TIME FOR NETANYAHU. I HAVE TO DO LETTERMAN.

HE'S NAKED.



SHOCKING!!! ROMNEY IS PREJUDICED AGAINST NAKED PEOPLE.



The War's Worst Day

Looking back at Antietam



Confederate dead from the battle

BY GEOFFREY NORMAN

Sharpsburg, Md.

The ground is now restful and easy to walk, as it no doubt was in the days before the battle. The Park Service has done an admirable job of restoring and protecting the hardwood stands that were the East and West Woods, the 40 acre plot that became “the cornfield,” the sunken road known as the Bloody Lane, and the little stone bridge that began the day as the Rohrbach and has been, ever since, Burnside’s Bridge. You can see it all in a couple of hours, by vehicle and on foot, and can easily understand what part the ground—known to soldiers as “terrain”—played in the battle. Impossible, though, to imagine what this little piece of Maryland farmland must have looked like at the end of September 17, 1862, which remains the bloodiest single day in American history. More were killed or mortally wounded here, that day, than on September 11 or on D-Day. Casualties, according to official records, totaled 22,719 in both armies. Twenty-five percent of the Union forces. Over 30 percent of the Confederates. There were 1,546 Confeder-

ate dead, 2,108 Union. Many of the 1,771 missing were dead, and many of the wounded would die. It was, in the minds of many who survived the battle and, then, the entire war, the worst day they ever experienced. “Beyond words,” they would almost invariably write.

If the horror of the battle was inarguable to anyone surveying the field that day, hardly anything else was. Not even an answer to the simple question, Who won? The Union Army had attacked and took the offensive everywhere along the line of battle. At the end of the day, the Confederate Army had not been broken, had given only a little of the ground it originally held, and seemed almost defiantly ready for more.

By that measure, there was no winner. The battle had been a very bloody draw. But as time passed, it became increasingly clear that if the tactical situation had been changed little by the battle, the strategic landscape and history itself were. The battle that looked, on the day it was fought, like so much pointless butchery almost certainly saved the Union and by doing so ended slavery in what would become again, after another two and a half years of slaughter, the United States of America.

Still, Antietam was an unusually—even epically—tragic battle. Not least, of course, for the casualties but also because, if things had gone just a little differently, if mortals had

Geoffrey Norman, a writer in Vermont, is a frequent contributor to THE WEEKLY STANDARD.

behaved with just slightly less imperfection, those two and a half years could have been avoided and the war could have been won, completely, that day.

A lot of questions occur to you when you walk a battlefield like this one. Among them, “Why here?”

What brought the two armies into contact here along Antietam Creek, outside of Sharpsburg, a little town of absolutely no strategic importance? Why, for that matter, were the Confederates in Maryland at all, when they had gone to war, they said, to defend their homeland?

The Confederates were the invaders, in spite of the fact that they had fewer men under arms and nothing like the material resources of the Union. But the Army of Northern Virginia had run out of Union armies to fight on its own ground. After Robert E. Lee had taken command in May, he had seized the initiative and attacked relentlessly, first halting General George McClellan’s advance on Richmond and then driving him into a defensive position on the James River, where he hunkered down until ordered to bring his army back to Washington to defend the city.

The city required defending because, after rendering McClellan impotent, Lee had turned his attention to General John Pope’s army that was operating between Richmond and Washington. Lee sent Stonewall Jackson on a long march that ended far to Pope’s rear and destroyed his base of supply. Then, when Pope attempted to attack the outnumbered Jackson, Lee struck with the rest of his army. Pope was routed. The battle was called the Second Bull Run, and it so alarmed Washington that, against the wishes of the majority of his cabinet, President Lincoln turned to McClellan. “We must use what tools we have,” said the president. “There is no man in the Army who can man these fortifications and lick these troops of ours into shape half as well as he. If he can’t fight himself, he excels in making others ready to fight.”

McClellan interpreted the appointment as a validation and vindication, and wrote to his wife, “I consent to take it for my country’s sake and with the humble hope that God has called me to it.”

Union soldiers cheered his return to grace. They were the last to lose faith in him.

Lee, meanwhile, was faced with the question, What now? He could not attack McClellan, who was inside the protection of strong defensive positions around Washington with an army that strongly outnumbered his. Nor

could Lee simply remain in place, on the ground outside Washington. He required food for his men and forage for his horses. This country had been stripped nearly bare, and his supply system was not up to keeping his army fed and clothed. Simply returning to defensive positions around Richmond would mean surrendering the initiative to McClellan, who could attack when he had rebuilt his army and was certain of success.

Lee wanted to force McClellan into a fight while the Union Army was still demoralized and disorganized and in the midst of another change of command. He was confident that by invading Maryland and threatening Washington, Baltimore, and even Philadelphia, he would provoke that fight and win it.

If he crossed the Potomac, into Maryland, Lee further reasoned—with Jefferson Davis, president of the Confederacy, in agreement—he might pry away some border states where a sizable part of the population might be sympathetic to the cause. And, finally, a decisive victory over McClellan on Union soil might be the shock that was needed to gain recognition, by England and France, of Confederate independence. This, very likely, would end the war with the South victorious.

So on September 4, the Army of Northern Virginia began crossing the Potomac at White’s Ford, near Leesburg.

As invading armies go, it was not an especially imposing force. Not to the ordinary observer, at any rate. Lee’s men had been fighting and marching all summer on thin rations, living mainly off corn and apples. Their uniforms were patched and tattered. Many of them had no shoes and marched into Maryland on bare feet. They looked more like a pack of hungry scavengers than an invading army with a reputation for victory.

One observer wrote:

A dirtier, filthier, more unsavory set of human beings never strolled through a town—marching it could not be called. . . . Faces looked as if they had not been acquainted with water for weeks; hair, shaggy and unkempt. . . . Many of them were without shoes. . . . [T]he odor of clothes worn for months, saturated with perspiration and dirt, is intense and all-pervading.

But, he went on, these men were also “stout and sturdy, able to endure fatigue and anxious to fight. . . .



They all believed in themselves as well as their generals and are terribly in earnest.”

There were no more than 50,000 of them. Many of the men who started north with Lee fell out of the march. Some because they could not go any further on sore feet and many because they suffered from dysentery. Some because they had joined to defend their own homeland, not to invade somebody else’s. And some because they were slackers.

McClellan, meanwhile, had done what he did best, which was to get an army—and a recently beaten one, at that—organized and equipped and ready to fight. And he had done it quickly. But then, he came down with his fatal affliction, which Abraham Lincoln called “the slows.”

McClellan’s critics saw his tardiness as, at best, a character flaw and, at worst, treason. He was “soft” on the political aims of the war and insufficiently opposed to slavery. He rationalized his caution by overestimating his enemy’s strength and, typically, believed that Lee outnumbered him. In fact, when he did move out of Washington to give battle, it was with over 80,000 troops, and he left almost that many behind, in reserve.

By then, Lee had formulated his strategy, and it had become clear to him that he must remove threats to his supply line that were in his rear—specifically, the federal garrisons at Martinsburg and Harper’s Ferry. His plan called for dividing his army into four elements (and later, five) that would separately accomplish this and, then, reunite around Boonsboro and move farther north, into open country, where he would compel McClellan to give battle.

It had been said of Lee that “his name might be Audacity.” And dividing his already inferior force in the face of the enemy certainly qualified. But he knew his adversary and when questioned about his flouting of conventional military wisdom said, “Are you acquainted with General McClellan? He is an able general but a very cautious one. His army is in a very demoralized and chaotic condition, and will not be prepared for offensive operations—or he will not think it so—for three or four weeks. Before that time I hope to be on the Susquehanna.”

McClellan moved a bit more expeditiously than Lee had predicted, but not by much. On September 7, he left Washington, advancing toward his enemy. Cautiously.

Then, on September 13, there occurred a small, accidental event that yielded absurdly consequential results, the proportions of which were Shakespearean. A couple of Union soldiers, resting in a field recently occupied by Confederate soldiers found an envelope containing three cigars wrapped inside a sheet of paper.

There was writing on the paper, and the soldiers read it. (One wonders how history might have gone differently if those soldiers had not been literate.)

The paper turned out to be an order from Lee’s headquarters, addressed to his widely dispersed commands, detailing his operational plans. It was dated September 9.

What has become known as “the Lost Order,” burned off the fog of war so completely that McClellan knew, in perfect clarity, the exact positions of his enemy’s forces

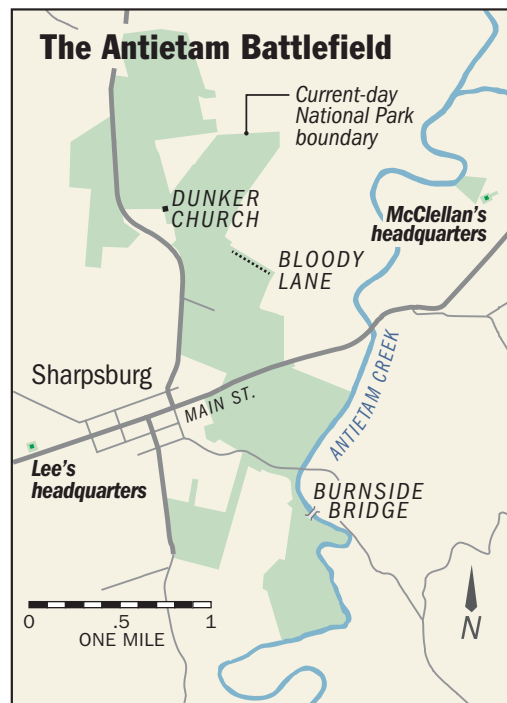
and the intentions of their commander. In his headquarters, he held the Lost Order in front of one of his generals and said, “Here is a paper with which if I cannot whip Bobbie Lee, I shall be willing to go home.”

There was nothing mysterious about what needed to be done. At this time, Lee’s forces were on the western side of South Mountain. McClellan was to the east. The mountain runs north and south. To get at Lee before he could unite his divided army, McClellan would need to move his men through two passes in South Mountain and position them between Lee’s widely separated wings. In his order to one of his commands, McClellan wrote, “My general idea is to cut the enemy in two

and beat him in detail.”

Lee had done the dividing for him. It remained for McClellan to move and exploit the opportunity. Yet, as always, McClellan and his subordinates acted without urgency. There were several hours of daylight left that day. The troops could have been put in motion immediately. And if that was not feasible, then they could have been pressed into a night march. But none of McClellan’s formations was on the move until the next morning, a loss of some 18 hours.

By then, Lee had learned from an informer of increased activity around McClellan’s headquarters and had moved to strengthen his defenses at Turner’s Gap and Crampton’s Gap in South Mountain. He did not have the numbers





Union troops advancing at the Dunker church

to hold the gaps when the Union forces did attack; they were too strong and determined. If Lee had thought them “demoralized” by their recent defeats, Union soldiers established otherwise. He may have had their general’s number, but he had woefully underestimated them.

The attack on Turner’s Gap—the day’s larger movement—was a tough fight with heavy casualties on both sides, including Union general Jesse Reno. The final assault that carried the pass was the work of General John Gibbon’s Black Hats, who became the Iron Brigade that day when McClellan, watching the assault, called them the best soldiers in his army and said, “They must be made of iron.”

The Confederate units defending the pass retreated, leaving the dead and many of their wounded behind. McClellan’s troops were through and in position to take on and overwhelm Lee’s scattered formations. It had taken far too long, but McClellan now had the initiative, while Lee was thinking retreat and the preservation of his army.

Lee’s message to the commander of one of his detached divisions began, “The day has gone against us and this army will go to Sharpsburg to cross the river.” The troops falling back on Sharpsburg numbered about 15,000, and Lee might have gone on retreating, across the river to safety, if he had

not received word that Stonewall Jackson had taken Harper’s Ferry and could now rejoin Lee, who believed a hard march might accomplish this before McClellan acted.

Jackson got his troops on the road and conducted a night march that even he would later describe as “severe.” McClellan, meanwhile, moved ponderously, spending hours studying Lee’s thin lines on the opposite side of Antietam Creek. On the 16th of September, as McClellan positioned his men and planned for battle, the scattered elements of Lee’s army arrived exhausted but ready to take a place in the line and fight.

It was increasingly clear that the advantage dropped into McClellan’s lap by the discovery of the Lost Order had been frittered away. McClellan had won a battle—South Mountain—but he had not destroyed Lee’s army and won the war.

The maneuvers and the hard marching were done, and that night the two armies faced each other along Antietam Creek. Lee had deployed his units on a four-mile arc running north and south, with the Potomac River three miles to the west in his rear. Should this line be broken, there was only one accessible ford across

the river. Lee was, once again, gambling, though less now on McClellan's timidity than on his own soldiers' tenacity. They had very little ground to give and hardly any means of escape should the day, once again, go against them.

But Lee was confident, and his subordinates, who saw him on the day before the battle, remarked on his serenity. McClellan seemed confident, too, leading his staff on a two-mile ride, along his line, exposed most of the way to Confederate cannon fire.

For the troops, the night of the 16th was remembered—by those who lived to remember it—as wet with intermittent rain and noisy with occasional rifle and cannon fire as troops took alarm at imagined shapes and movement and the sounds of distant and unseen riders. One green federal regiment—the 16th Connecticut, less than a month in service—panicked briefly when one soldier accidentally fired his rifle.

If it was a night for nerves, the morning was about slaughter. It began early on Lee's left. McClellan had chosen to attack here because it allowed him to use a bridge across Antietam Creek that was screened from the Confederates as two others, nearer Lee's center and right, were not. He used this bridge to move almost two thirds of his men into position for an early morning attack.

General Joseph Hooker's corps opened the action and its objective was the high ground marked by a little church that belonged to the Dunkers—a sect whose belief in austerity and simplicity included a rejection of church steeples as an expression of vanity. The plain church was Hooker's objective. He needed to clear a cornfield and two stands of hardwood to get to it.

Union troops launched a brutal, frontal assault, supported by artillery pieces firing grape and canister that left, Hooker said, "every stalk of corn in the northern and greater part of the field . . . cut as closely as could have been done with a knife." And many Confederate soldiers torn to pieces, as well.

The assault surged on, driving the surviving Confederates until it seemed the church was within the Union soldiers' grasp. But they were stopped by a counterattack; pushed back through the cornfield. Hooker had taken 2,500 casualties in two hours. On retiring he ordered another attack, this one by General Joseph Mansfield's corps, on his left. This attack also aimed to take the high ground around the Dunker church and roll up Lee's line. During a confused launch, Mansfield thought that some of his men, on the attack, were firing into some of Hooker's who were retreating. Shortly after he realized that his troops were actually firing on the enemy, Mansfield was shot in the stomach. He died a little later, in an aid station.

The attack went on without him. Union troops made it through the cornfield and almost all the way to the Dunker

church before they were stopped by troops Lee had moved over from his right. But the Union soldiers held their ground, and it looked as though one last push would take the objective and win the battle. This push was to come from General Edwin Sumner's corps, the largest in the army. Certainly it had the weight. But the men were handled badly and exposed a flank to Confederate troops that had just made it to the field after a march from Harper's Ferry. Their counterattack cut Sumner's formations to pieces and ended any chance of a Union victory at this end of the line. The casualty count in the three attacking Union corps came to some 7,000 men, including Hooker, shot in the foot.

They had come close. Very close. It was a day of close calls.

Confederate casualties were also appalling. But they had held the left end of their line, and after the fighting died down, Stonewall Jackson sat on his horse eating a peach, listening as his staff surgeon reported on the casualties, and wondered if the next attack might not succeed.

Jackson shook his head and said, "Dr. McGuire, they have done their worst."

Here, perhaps, but by mid-morning, the battle had spilled over to the center of the opposing lines, where Confederate troops held a position formed by the course of a road that through years of use had been worn down until it was a nearly perfect military trench. There was open ground to the front, rising to the crest of a gentle slope, which the Union troops had to come over, making themselves into clearly silhouetted targets. With this advantage, the Confederates were able to hold their line, though heavily outnumbered. But they lost first a commander, then cohesion. And when an order to refuse a flank was misunderstood and they abandoned a section of the position, Union troops poured into the sunken road and began firing down its length. It was almost impossible to miss one of the Confederates who occupied it. The Confederates retreated, but not before the sunken road became "the Bloody Lane."

This was another moment, another situation, that presented incomparable opportunity. Lee had no reserves to send to this portion of the battlefield. He was heavily outnumbered and no longer held a naturally defensible position. Some of the few troops he had—not more than 200—made a desperate counterattack, which stopped the Union momentum. Still, one more push . . .

There were troops to make it—a fresh corps under the command of General William Franklin with more than 8,000 men. But General Sumner's corps had now taken more than 5,000 casualties in the fighting, and the old general (he was 65) had seen and had enough, even though McClellan in a rare show of offensive spirit had

sent a message to both generals suggesting an attack.

“Go back, young man, and tell General McClellan I have no command! Tell him my command, Bank’s command, and Hooker’s command are all cut up and demoralized. Tell him General Franklin has the only organized command on this part of the field.”

It was the sort of thing McClellan did not have to hear twice. But it did not seem to occur to him, or to Sumner, that their enemy might be in even more desperate condition, which it was, with the center of the Confederate line so thinly held that the general in command later said something to the effect that only a miracle could account for its holding. The troops he would have needed to properly hold that line were sprawled dead in the Bloody Lane where Alexander Gardner would later photograph them. The grainy black and whites were exhibited in Mathew Brady’s studio in New York in the weeks after the battle.

With both sides fought out and bled to exhaustion on the north end of the line and in its center, McClellan was left with one last opportunity. General Ambrose Burnside’s corps was on the Union left, where a bridge of 125 feet crossed Antietam Creek. A high bluff overlooked the bridge from the other side of the creek, and it was held by the Confederates, but weakly. Lee had been taking men from this section of his line in order to hold off disaster elsewhere. But the few hundred men who were left had been enough to hold the bridge for the entire morning.

McClellan had sent couriers urging Burnside to move across Antietam Creek, finally provoking the general. “McClellan appears to think I am not trying my best to carry this bridge. You are the third or fourth one who has been to me this morning with similar orders.”

The bridge, of course, was not really the point. It was merely a way to get across the creek, and, once across the creek, to roll up the weak Confederate right and take the one ford across the Potomac. This would guarantee the destruction of Lee’s army. And it was possible here. Burnside, with 14,000 men, had the numbers, and Lee had no reserves. But first . . . the bridge.

After the war, the case against Burnside—who went on to other, even greater, military debacles—grew until it became part of the indictment against him that he never

even needed to take the bridge. That the creek was shallow enough that his men could have waded it without wetting their belt buckles. More recent research seems to establish that this was not the case. What one thinks, looking down on the bridge from the bluffs that were held by Georgia sharpshooters that day, is that an able commander would have found a way across that little creek in less than the half day it took Burnside.

But he did take the bridge, finally, in the afternoon. And once he had troops across, he halted them and, since they were out of ammunition, brought up another, fresh formation rather than a resupply of powder and balls. And finally, in the late afternoon, when all was ready, he attacked.

The Union troops were on the verge of carrying the field, the day, and the war. Robert E. Lee looked on as his men retreated and broke for the safety of Sharpsburg. He looked out over the field and saw two distant formations.

“What troops are those?” he asked an aide who raised a telescope and reported that they were flying the Stars and Stripes.

And those, Lee asked, indicating the other formation.

“They are flying the Virginia and Confederate flags.”

“It is A.P. Hill up from Harper’s Ferry,” Lee said.

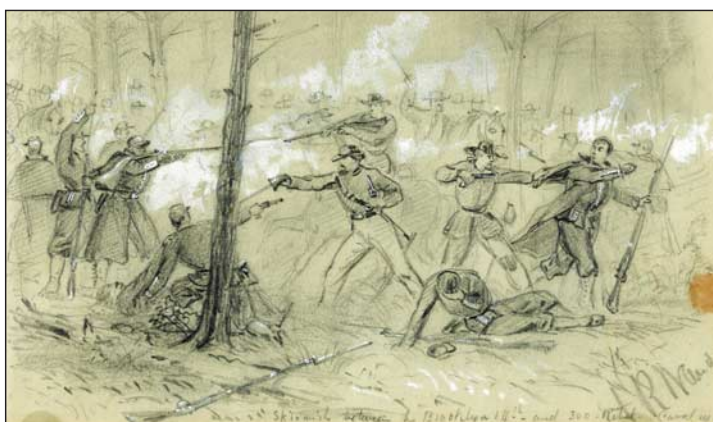
These were the last of his dispersed troops. They had marched 17 miles since daylight. Marched so hard that of 5,000 men who started, only 3,000 finished. But they attacked the Union flank, routing the unfortunate 16th Connecticut and driving Burnside’s men back to the bluffs he had spent so much time taking. Time given A.P. Hill to make his march.

That was the end of the battle. From the discovery of the Lost Order until the dilatory assault across what is now known as Burnside’s Bridge, the campaign had gone like that. It could have been a great and total victory . . . if only. Instead, Lee escaped to fight many, many other days.

It was victory enough, however, for Abraham Lincoln to issue the Emancipation Proclamation. Victory enough to persuade the Europeans to sit this one out. And insufficient enough that Lincoln relieved McClellan of command, this time with finality.

His replacement, however, was Burnside—with results that were not so much predictable as fated.

And, so, the war went on. ♦



Skirmish between the Brooklyn 14th and 300 Rebel cavalry



'The Supreme Court—as it may hereafter be constituted' by Frederick Burr Opper (1896)

Show Some Restraint

The Constitution is imperiled from the bench. BY TERRY EASTLAND

Our government is not a pure democracy but a constitutional republic, meaning that we govern ourselves in accord with the Constitution, which provides for a Supreme Court with the authority to review and strike down laws that are in conflict with the Constitution. In *Cosmic Constitutional Theory*, J. Harvie Wilkinson III argues that the Court has nullified many more laws on constitutional grounds than it should have. The Court has been activist when it should have been restrained, displacing democracy in each of its unwarranted rulings.

Wilkinson is a federal judge, a 1984 Reagan appointee to the U.S. Court

Terry Eastland, publisher of THE WEEKLY STANDARD, is the editor of Freedom of Expression in the Supreme Court: The Defining Cases.

Cosmic Constitutional Theory
Why Americans Are Losing Their Inalienable Right to Self-Governance
 by J. Harvie Wilkinson III
 Oxford, 176 pp., \$21.95

of Appeals for the Fourth Circuit. Widely respected, he was on President Bush's 2005 shortlist for the Supreme Court. Wilkinson is also an engaging writer who finds time away from the bench to craft articles and books on legal topics. Here, he takes up the controversial topic of judicial, also known as constitutional, review.

The activist trend Wilkinson decries dates to the last century, when the Court created substantive rights from the Fourteenth Amendment's guarantee of due process—one of the more amazing alchemies in American constitutional law—and voided

laws regulating their exercise. The first such substantive due-process rights were mainly economic ones: In the infamous *Lochner* (1905) case, for example, the Court struck down New York's bakery labor laws. In time, however, the "new" substantive due-process rights—those of privacy and autonomy—came, and with them the right of abortion, declared by the Court in *Roe v. Wade* (1973) and whose protection entailed the invalidation of almost every state abortion law.

Also on Wilkinson's list of activist cases are: *Swann v. Charlotte-Mecklenburg Board of Education* (1971), which, ordering busing as a remedy for school segregation, gave federal courts "the broadest equitable powers over local school districts in contravention of every constitutional model of dual sovereignty"; *Furman v. Georgia* (1972), which, notwithstanding the

Constitution's implicit sanction of the death penalty, "imposed a de facto moratorium on capital punishment"; *District of Columbia v. Heller* (2008), which invalidated a Washington, D.C., firearms regulation by declaring a strong individual right to bear arms, and *McDonald v. City of Chicago* (2010), which "incorporated this newfound right against the states"; *Bush v. Gore* (2000), which, effectively resolving the presidential election, cut short the recount "on contestable equal protection grounds"; and *Boumediene v. Bush* (2008), which, affording greater habeas corpus access to Guantánamo detainees, "encroached on the diplomatic and military options of the executive and the initiatives of Congress with dubious regard for the Constitution's allocation of authority."

The problem of activism that Wilkinson addresses, however, is about more than a decision in this or that case; constitutional law, he writes, has fallen victim to "cosmic constitutional theory." By this, he means theory that seeks "to unlock the mysteries" of our supreme law and provide judges with a "grand and unifying vision" that can be applied in constitutional cases. Such "cosmic" theories have proliferated in recent decades, writes Wilkinson, and he devotes the bulk of his study to critiques of the main cosmic theories and their variants: living constitutionalism, originalism, "political process," and pragmatism.

Wilkinson concisely observes their "virtues" and "vices" before rejecting them all. Their common defect, he declares, is that while they say they promote judicial restraint, they actually promote the opposite.

Readers will note that one of the theories Wilkinson opposes is originalism, a method of constitutional interpretation that seeks to discern the original intent or meaning of the provision at issue. Originalism dates from the Founding era and has been influential in recent decades among judicial conservatives especially, its most prominent advocates being Robert Bork and Antonin Scalia. Wilkinson's position here is a reminder that not all judicial conservatives—and Wilkinson is fairly described as one—embrace originalism.

On the other hand, it is not clear from *Cosmic Constitutional Theory* that Wilkinson stands that far apart from the originalists. At the end, he says that "not all theories are equal," meaning that "some make far more of an effort to rein in runaway judicial rulings than others." In a fair reading of *Cosmic Constitutional Theory*, Wilkinson can be referring only to theories of originalism.

Moreover, he clearly has deep respect for the historical Constitution whose meaning originalists seek. Consider his critique of *Roe v. Wade*. The case flunks "the three most basic interpretive tests," he states—those of text (there being nothing in the Constitution suggesting that "a right of abortion should be grafted onto a highly generalized right of privacy"); structure (there being nothing in the structure of the Constitution indicating that "judges were to substitute their own will on the [abortion] question for that of the states and the elected branches"); and history (there being "nothing in the history of the Fourteenth Amendment suggest[ing] that its framers had abortion or anything like it on their minds").

Most originalists would concur.

Wilkinson-versus-the-originalists aside, his interest is not in showing a causal connection between a particular theory and a decision in every activist case. His point is about the future. Cosmic theory has come to dominate the way the legal profession (and, indeed, the educated public) thinks about constitutional law, with judicial restraint effectively kicked to the side. We now have "competing schools of liberal and conservative judicial activism, schools that have little in common other than a desire to seek theoretical cover for prescribed and often partisan results." Inevitably, whether advanced in particular cases or not, cosmic theory will have more and more influence among judges and justices:

The ingredients of the cosmic theories are so stacked against self-governance that the temptations for judicial misadventures will only increase in years to come.

Our future is a "judicial hegemony" in

which democratic liberty has been more and more circumscribed.

Wilkinson argues that the only way to prevent this future is to eschew grand theory ("what's needed is not yet another theory but an escape from theorizing") and to see the merits of restraint. Cosmic theory proves to be the *bête noire* of *Cosmic Constitutional Theory*: Wilkinson writes that the Constitution is not an abstraction, and not as amenable to theory as it is to experience. Indeed, the Constitution was "designed to resist answers and incorporate tensions rather than yield its secrets to a single or comprehensive viewpoint." Judicial restraint, on the other hand, accepts the Constitution as written, and needs no theory for its interpretation.

Still, Wilkinson offers, if not a theory, certainly an argument for judicial restraint—which, he acknowledges, is not mentioned in the Constitution. It is a strong argument, grounded in the structure of the Constitution and holding that the grants of power in Articles I, II, and III "leave no doubt that the powers of the executive and legislature call for active initiation, while the power of the courts is passively framed." Not only is judicial restraint a "bedrock principle of America's founding," it also rests upon a premise of republican government, which is that those in power "less fettered by such formal restraints as periodic elections" (meaning judges) "must feel more constrained to hold themselves into check."

Here, Wilkinson understands judicial restraint as republican virtue, by which the Founders meant decisions or actions that put first the common good. Not surprisingly, as Wilkinson observes, judicial restraint is often referred to as judicial *self-restraint*. The subtle move Wilkinson makes is from theory to character.

If Judge Wilkinson is right about the need for more republican virtue on the bench, it is sobering to wonder whether the sources of such virtue (schools, churches, and families, in the Founders' estimation) are up to the task of helping generate it. If they aren't, the threats to democratic liberty may be even greater than he contends in this tightly written, provocative book. ♦

Not So Special

Why the author doesn't like Churchill's 'History of the English-Speaking Peoples.' BY EDWARD SHORT

Not long ago I was in Boston browsing the stacks of that legendary emporium, the Brattle Book Shop, when I chanced upon *Winston Spencer Churchill: Servant of Crown and Commonwealth*, a collection of tributes to the parliamentarian, war leader, historian, and wit, which his longstanding English publisher Cassell brought out in 1954 to celebrate the great man's 80th birthday.

Included among the contributors were some notably diverse figures—Duff Cooper, who resigned his post in the cabinet after Munich; Viscount Cecil, whose abounding faith in the League of Nations proved such a pitiable illusion; Aga Khan, the sybaritic imam who shared Churchill's passion for the turf; Bernard Baruch, who helped put Churchill back on his feet after the 1929 crash; Clement Attlee, who in his many years in the House of Commons prized Churchill not only as a worthy colleague but as an even worthier opponent—all of whom had lively things to say about the august honoree.

Yet the one whose tribute captured the essence of Churchill best was Violet Bonham Carter, H.H. Asquith's daughter. Describing meeting young Churchill at a dinner party when she was 19 and he was 33, she recalled, "With his dramatic South African exploits behind him, and a political career in the making, [he] was already on the high road to fame"—though his critics were quick to dismiss it as mere self-seeking "notoriety." Still, Violet was shrewd enough to see it as something more.

Edward Short is the author of *Newman and His Contemporaries* and the forthcoming *Newman and His Family*.

Mr. Churchill's Profession
The Statesman as Author and the Book that Defined the 'Special Relationship'
by Peter Clarke
Bloomsbury, 368 pp., \$30

His unabashed confidence, unquashable resilience, his push and dash and flair for taking short cuts through life, his contempt for humdrum conformity have always challenged stuffy, stolid, stick-in-the-mud opinion here and elsewhere.

For Violet, no one knew better "how to perform the public service known as 'putting the cat among the pigeons,'" and readers of her memoir, *Winston Churchill as I Knew Him* (1965), will also recall that it was at this same dinner that Churchill turned to his young companion and quipped, "We are all worms, but I do believe that I am a glow-worm."

In *Mr. Churchill's Profession*, Peter Clarke attempts to dim the luster of Violet's friend by disparaging not only the writings of the man but the man himself. The author of a recent study of John Maynard Keynes and a survey of the end of empire for the *Penguin History of Britain*, Clarke might seem peculiarly suited for such a task, though whether he succeeds is another matter.

Rather than studying Churchill's literary work as a whole, Clarke limits himself to a sustained attack on *A History of the English-Speaking Peoples* (1956-58), which Churchill wrote from 1932, when his political career seemed finished, to the later 1950s, when he finally handed the baton off to Anthony Eden. Clarke does take up aspects of Churchill's four-volume life of the Duke of Marlborough (1933-38), but there is very little about his life of Lord Randolph Churchill (1906), his history of the Great War, *The World Crisis* (1923-1929), his auto-

biography *My Early Life* (1930), his history of the Second World War (1948-54), or his charming collection of pen portraits, *Great Contemporaries* (1936).

Clarke also spends a good deal of the book discussing the assistance Churchill obtained for his *History of the English-Speaking Peoples* from a number of talented editors, most of whom were good historians in their own right: Keith Feiling, the biographer of Neville Chamberlain; G.M. Young, the author of that wonderful study of the Victorians, *Portrait of an Age* (1936); Alan Bullock and William Deakin, who would go on to edit the Oxford History of Modern Europe series; Denis Brogan, the Cambridge don who wrote a number of books on American politics; Alan Hodge, Robert Graves's collaborator in the interwar social history, *The Long Week-End* (1941); and J.H. Plumb, the epicurean biographer of Sir Robert Walpole, who spent the Second World War at Bletchley Park deciphering the German naval code.

With such a cast of characters, Clarke might have put together a fascinating account of how these different historians viewed the Anglo history that Churchill proposed to cover. But in his hands such marvelous material never comes to life.

Clarke only deviates from his niggling account of the *History* for brief digressions. For example, he notes that *Frontiers and Wars* (1962), an omnibus edition of Churchill's early imperial histories, "is still readable today for its lucid and bold exposition," though the real reason he commends "its mordant asides" is that they underscore "the intractable nature of the resistance to Western dominance in Afghanistan."

Similarly, Clarke is initially full of praise for Churchill's private secretary, John Colville, who confided in his journal how "the country believes that Winston is the man of action who is winning the war and little realise how ineffective, and indeed harmful, much of his energy is proving itself to be." But when Colville has a change of heart and sees the morale-boosting point of Churchill's *modus operandi*, Clarke quickly turns against him. In response to Colville's remarking how "refreshing" it is "to work with somebody who refuses to be

depressed, even by the most formidable danger that has ever threatened the country,” Clarke writes that “the lack of executive substance here now seems to be no problem for Colville.”

For Clarke, most of Churchill’s admirers are unaccountable dupes. The sound men are those who “went on pinning for [Neville] Chamberlain’s terse efficiency and administrative grip.”

The gist of Clarke’s dossier against the *History of the English-Speaking Peoples* is threefold: Churchill did not deliver the book to his publisher on time; he did not deliver the book that he had contracted to deliver; and the finished book was largely written by other hands, Churchill himself only contributing volumes one and two and the history of the American Civil War in the fourth volume.

These are the main criticisms, but there are many other ancillary criticisms. While revising proofs, Churchill candidly shared with G.M. Young his disapproval of Oliver Cromwell: “I remain hostile to him, and consider that he should be condemned as representative of the dictatorships against which all the whole movement of English history has been continuous.” For Clarke, this amounts to little more than “a sort of class action against dictatorship,” and Cromwell is “thus an unlucky defendant against an indictment neither entirely generated by nor faithful to a purely seventeenth-century context.”

But if one compares Churchill’s Cromwell to that of Christopher Hill, the Marxist historian who viewed Cromwell in much the same light as the left viewed Joseph Stalin—that is, as a necessary, even salutary dictator—we can see Clarke’s charge that Churchill was guilty of special pleading as a deft piece of table-turning.

Clarke also slags Churchill for preferring the old-fashioned Whig history that he read in his youth to the Marxist history that came into vogue in the 1930s. For Clarke, that Churchill never ceased to delight in the narrative histories of Edward Gibbon and Lord Macaulay is proof of his sentimental amateurism. Another strike against Churchill is his

admiration for William Pitt, Lord Chatham, the brilliant orator and war leader who led his countrymen to victory against the French not only in India, Africa, and Canada, but on the Rhine as well. For Clarke, Churchill’s attempt to differentiate the inspired leadership of the elder Pitt from the usurpatory tyranny of Cromwell only reinforces their similarities. Indeed, in Churchill’s own account of the two men, Clarke sees an unwitting hypocrisy: “Many of the qualities denounced as dictatorial in



Winston Churchill at work on his war memoirs, ca. 1946

Cromwell become admirable qualities in Chatham’s unique personal command.” Yet Clarke goes further. In response to Churchill’s observation made during an August 1939 broadcast that “it is curious how the English-speaking peoples have always had this horror of one-man power,” Clarke writes: “A lot depended, of course, upon which man was being judged by these elastic historical standards.”

In other words, Churchill could not take Cromwell to task (or Hitler, for that matter) because Cromwell, Chatham, and Adolf Hitler were “all one-man powers.” This is the same equivalence that John le Carré made so fashionable during the Cold War, excusing genuine tyrants while discrediting the opponents of tyranny.

Another target at which Clarke trains his fire is the “special relationship,” which he treats as an offshoot of Churchill’s “sentimental vision of the unity of the English-speaking peoples”—a vision without any discernible root in reality. For Clarke, “Churchill surely asked too much of sentiment. American policy towards Britain, whether under [Franklin] Roosevelt or his successors, was based on more substantial considerations.” But Churchill’s writings on the special bond between America and Great Britain are valuable *precisely* because they affirm the shared democratic values of the two countries: their shared commitment to liberty. Clarke’s contempt for such values, his dismissal of them as so much sentimentality, is typical of his hostile, reductionist view of his subject.

Yet there is something even more distasteful about his handling of the “special relationship.” After calling Churchill’s respect for Anglo-American collaboration into question, he suggests that Churchill advocated this collaboration “to turn his soft words into hard cash, dollars and pounds alike.” Here, perhaps, is more envy than spite: As Clarke himself documents, Churchill was consistently well paid for his work, but that is no reason to insinuate that he only advocated the “special relationship”—or any opinion or policy—to swell his bank balance.

Clarke may flail at Churchill for not paying attention to his publisher’s deadlines, or for failing to deliver on its agreed scope at a time when he was defending Britain against the full fury of Nazi aggression. But he cannot fault him for casting aspersions on the character of those with whom he disagreed. The eloquent eulogy that Churchill delivered in the House of Commons on the death of Neville Chamberlain was moving proof of that. In the meantime, readers seeking a more balanced and incisive study of the “special relationship” should repair to Andrew Roberts’s *A History of the English-Speaking Peoples Since 1900* (2007), which nicely exposes the sophisticated cynicism that is evident on nearly every page of *Mr. Churchill’s Profession*. ♦

Mortal Error

Pondering the idea, and reality, of sin.

BY DAWN EDEN

It is said that there are no new sins; the old ones just get more publicity. Likewise, it seems, there are no new titles for books on sin; the old ones just get amended. Three years after Gary A. Anderson's critically acclaimed *Sin: A History*, another American academic, Paula Fredriksen, offers her own take with *Sin: The Early History of an Idea*.

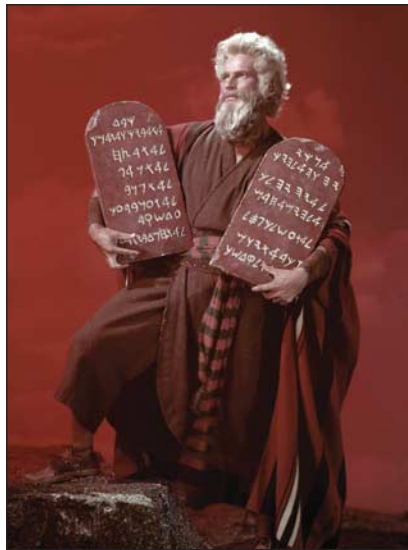
The extra words in Fredriksen's subtitle give a hint of how her approach differs from that of Anderson. For Anderson, sin, understood as the act by which man willfully separates himself from God, is objective; what changes is the language used by Jews and Christians at different times in religious history to describe it. For Fredriksen, although wrongdoing is real, "sin" itself can truly exist only in scare quotes, as a subjectively appropriated idea. One is reminded of G.K. Chesterton's remark on Grant Allen, who had written a book about *The Evolution of the Idea of God*. Chesterton observed that "it would be much more interesting if God wrote a book about the evolution of the idea of Grant Allen."

Sin, then, does not judge Paula Fredriksen; rather, she judges "sin" and finds it to be a cultural construct—one that, in the Christian world, underwent "dramatic mutations" during the first four centuries after Jesus' birth. To chart those changes, she analyzes the teachings of "seven ancient figures who together represent flash points in the development of Western Christian ideas about sin." These are: Jesus of Nazareth, Paul of Tarsus, Valentinus, Marcion, Justin, Origen of

Dawn Eden is the author, most recently, of My Peace I Give You: Healing Sexual Wounds with the Help of the Saints.

Sin

The Early History of an Idea
by Paula Fredriksen
Princeton, 208 pp., \$24.95



Charlton Heston and
the Ten Commandments, 1956

Alexandria, and Augustine of Hippo.

Those who have read the author's contributions to "historical Jesus" scholarship, such as *From Jesus to Christ*, will be familiar with Fredriksen's portrait of Jesus as an apocalyptic preacher whose "mission proclaiming the kingdom . . . ended with his execution." Why, then, did St. Paul teach that Christ would return? Jesus' "followers, prompted by the vindicating experience of his resurrection, injected a specific, and specifically Christian, innovation into the traditional sequence of end-time events: the messiah, they now held, would have to come not once, but twice."

To accept the "vindicating experience" of Jesus' resurrection while asserting that his disciples "injected" his second coming into the Gospel of

Mark, is, to put it mildly, a problematic historical approach—if not outright incoherent. Apparently, Fredriksen believes it is more likely that Jesus would rise from the dead than that her own and her colleagues' historical-critical tools would steer them astray.

John the Baptist functions for Fredriksen not as Christ's precursor so much as his mentor; his message "apparently had a major impact on Jesus." Like John, Jesus preaches repentance from sin—and "sin is 'Jewish' sin, primarily, breaking the (ten) commandments." Paul, directing his mission to the nations, effectively creates a new category of "gentile" sin—"also defined by appeal to Jewish scripture [but] imagined differently from 'Jewish' sin":

Gentiles worship gods other than Israel's god, and they do so by recourse to idols. The traditional Jewish rhetoric against such worship that Paul mobilizes deals at lavish length with the sins attendant on idol worship: theft, adultery, murder, and (especially) fornication. Gentiles who want a place in God's coming kingdom—now linked for Paul as for other early apostles with the second coming of Christ—enter through baptism into Christ; thereby infused with *pneuma*, divine spirit, they renounce their idols, withhold cult to false gods, and live according to idealized Jewish ethics.

Fredriksen is able to distinguish Paul's "idealized Jewish ethics" from what she deems Jesus' simpler and more authentically Jewish message of adherence to the Ten Commandments, because she has established that "Paul's world was not Jesus' world. His biblical tradition was Greek, not Aramaic or Hebrew. His rhetorical education and the imagined architecture of his cosmos were incontrovertibly pagan."

With these words, the author makes a subtle shift that raises serious problems. It is one thing to say that Paul and Jesus came from different places and different backgrounds, with Paul receiving a thorough Greek education. It is another to imply, as Fredriksen does, that the apostle's "biblical tradition," being based on the Septuagint (the Greek translation of the Hebrew scriptures), places him in a different theological milieu than that

of Christ. Whether or not Jesus relied upon the Septuagint—and the Gospels suggest that he was at least familiar with it—the translation was deeply woven into the fabric of Jewish life in his time.

In that light, citing Paul's Greek biblical tradition as evidence of a radical discontinuity between him and his Savior is an odd tack for an author who seeks to uncover the "historical Jesus." The Christ of the Gospels cannot be de-Hellenized without being de-Judaized as well.

Fredriksen's analysis of Paul's theology of sin, with its repeated contrasts between fleshly desires and spiritual ones, leads into her consideration of Marcion, Valentinus, and Justin. Of those three, only Justin is a Church Father; Marcion, a schismatic, and Valentinus, the most influential of the Gnostic teachers, were condemned. But where the Church saw heresy, Fredriksen sees "energetic diversity." With a tone reminiscent of *The Da Vinci Code*, she informs us that, in light of recent historical scholarship, all the best minds reject "the self-claim of the heresiologists for their own communities":

For example, scholars now question the analytical utility of such terms as *Gnostic* (especially as regards Valentinus) or *heretical*. . . . [In] the second century, there was no "orthodoxy" in Rome or anywhere else, just a wide variety of different communities, all of which represented differing trajectories developing over the course of time and none of which exercised a generally recognized authority.

Where is the basis for such a sweeping claim? Fredriksen cites the first chapter of David Brakke's 2011 work on *The Gnostics*, which takes the post-modernist line that there has *never* truly been "orthodoxy" among Christians, only an ever-evolving flow of changing narratives and self-definitions.

Finally, Frederiksen returns to territory familiar to readers of her previous *Augustine and the Jews*, this time focusing on Augustine's understanding of sin and its consequences, and contrasting the Bishop of Hippo's theology against that of the earlier ecclesiastical writer Origen. Here, her mission is to show

that whereas Origen, who "represents the road not taken by the Church," held that all creation, including the devil, would be redeemed, Augustine held that only human beings would be redeemed, and "only some small portion of humanity at that."

Considering the extensive amount of research she has done on Augustine, it is surprising to see Fredriksen make an error that any student who has read the *Confessions* would catch: She claims Augustine "had been a married man." (Father of a son, yes; married, no—a major part of the bishop's history is that, prior to his conversion, he refused to marry his longtime concubine.) One even gets the feeling that the author is sick of writing about Augustine. Her treatment of him carries an undercurrent of resentment that ultimately bubbles over into open mockery when, writing of his death, she describes him as "going to the inscrutable and angry god he had created."

The author's talent lies in expressing complex theological concepts in everyday language, and she applies it capably in explaining the intricacies of Augustine's theology of grace. Unfortunately, her broad strokes sometimes gloss over important nuances, particularly when she compares Origen's and Augustine's views on God's justice and mercy. She claims that while Origen believes God to be always simultaneously just and merciful, "Augustine's god expresses these attributes serially and selectively: he is *either* just *or* merciful." Such a reading ignores Augustine's writings on divine simplicity, which assert that God's attributes cannot be divided into Manichean-style opposites; he *is* his essence. Theologians can (and do) argue over whether Augustine contradicts himself; even so, given her insistence that early Christianity was defined by diversity, Fredriksen should welcome the fact that Augustine in himself contained multitudes. ♦

BCA

In Shallow Waters

A mismatched academic responds to Aristotle.

BY MARK BLITZ

Answers for Aristotle intends to help us improve our lives. Its method is to see what science can now teach us about philosophical questions, but also what it cannot. It joins the current gaggle of semi-popular works meant to inform the eager, but ignorant, about what neuroscience and psychology say about this, that, or the other thing.

It is not a bad book, but it is not serious or deep enough to be worthy of its topic. And although Pigliucci's wish to help us find "meaning" is doubtless real,

Mark Blitz, the Fletcher Jones professor of political philosophy at Claremont McKenna College, is the author, most recently, of Plato's Political Philosophy.

Answers for Aristotle
How Science and Philosophy Can Lead Us to a More Meaningful Life
by Mario Pigliucci
Basic, 320 pp., \$27.99

he also needs to find a way to stand out from the competition. Hence the link between science and philosophy—"sci phi," as he cloyingly calls it throughout the book. In general, he affects the revelatory yet chatty tone of a waiter announcing daily specials, or a fundraiser stalking opportunity. Pigliucci is also a bit too beholden to academic authority. Figures often enter his book with Homeric-, or perhaps it is only *Time*-, style designations: psychologist x, political scientist y, neurobiologist z and,

most desperately, “philosopher” Peter Singer, as if his job title makes his views less, rather than more, ridiculous. Better reasoned arguments would have been a welcome breath of cold air.

Much of what Pigliucci says is familiar to those who have read similar books. Outlandish philosophy-professor tests of moral choice (“imagine you are on a trolley. . .”), Helen Fisher’s three phases of love, and the rod in poor Phineas Gage’s brain all make an appearance. Pigliucci’s general point is that if we know more, we will choose better and be happier. Oddly, he never argues this point, and some of his own discussions call it into question. He does not analyze, let alone debunk, obvious ways in which ignorance can be bliss or its handmaiden.

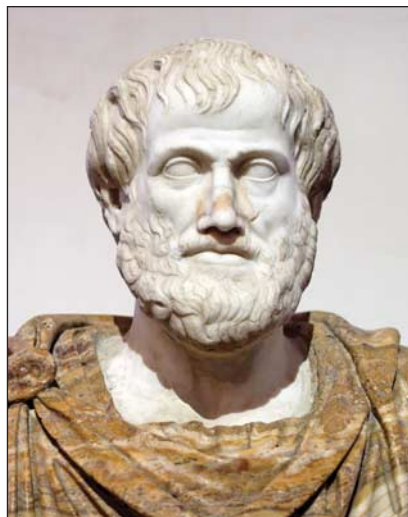
There are several difficulties with both the scientific and philosophical elements of the book, and with their combination. Professor Pigliucci equates all the academic “sciences” he discusses, so that a psychologist’s study of happiness, or a political scientist’s of voter ignorance, is as valid as a neurobiologist’s study of hormones and brain use.

This is a faculty-senate notion of equality, not a clear view of the rank of cogent evidence. When the chemist tells us what her technical findings mean for happiness, love, or morality, of course, she enters the world of interpretive overstatement and challenge. But this merely highlights the difference between her own field and the others. Pigliucci happily does not subscribe to the fantasy that anything is true if you say it often enough, but he weakens this rigor by failing to discriminate among the different degrees of reliability, universality, and longevity of the studies he discusses.

Another difficulty in his reports of academic work is that he rarely tells us on whom a study was conducted, whether it has been replicated, and whether there is competing work. We suspect that we are mostly hearing about infrequently replicated studies of American college students in artificial situations, but we rarely can be certain. Perhaps the suspicion is wrong or, if correct, would not vitiate or limit the results. After all, they are

unlikely all to be accidental. But we do not know how precise and long-lasting the findings are.

The greatest issue with Pigliucci’s academic reports is also characteristic of similar efforts. He needs to spend more time examining the phenomena that he then describes scientifically or reduces to science. Locating, say, certain moral choices in this or that part of the brain, or uncovering hormones or chemicals involved in love, or seeing what brain scans show when someone makes a political judgment tells one about love, morality, politics, poetry, and philoso-



Aristotle, after a bust by Lysippos, 330 B.C.

phy only to the degree that one grasps these phenomena in the first place.

Thoughts and feelings are directed toward what they are about, and are influenced by what they are about. They are mediated or structured by reason and what is general. Sight is not only about seeing, but about what is there to be seen. Mathematics is about what is true, not only about what happens in the brain. Politics is not only about my feelings and transitory opinions, but about ways of life and the common institutions that direct and help to form these opinions and passions. One needs to know the range and intricacy of love before one ascribes, locates, or reduces the experience to brain chemistry. There may be simple and obvious elements in some of these phenomena, but they are as a whole complex, and must be studied fully on their own.

Pigliucci’s failure to engage in such an effort is connected to the excessive split he fashions between science and philosophy. He reduces philosophy to conceptual clarification (which seems to mean clarifying what other people have said) and views about morality. Philosophy is apparently not allowed any factual discussion of love, politics, thought, or other phenomena. And with morality, he does not distinguish what he views as philosophy’s territory from its obvious political and familial competition in securing meaning and ethical direction. All that matters are philosophy professors, or individuals constructing “handy-dandy” moralities from tools professors provide.

This split between science and morality would seem to vitiate Pigliucci’s project of seeking moral help or guidance from science. One issue that worries him explicitly is the familiar difficulty of deriving values from facts. Yet, Pigliucci’s project seems precisely to be finding guidance for values in the facts that science (apparently) discovers. Pigliucci waves his hands at his dilemma but remains trapped in it: He is forced to pick and choose arbitrarily the natural facts he likes and those he does not, those that can or should be changed or ignored, and those that should not be.

It would have served him better to have first truly examined the grounds and limits of the difference between *is* and *ought*. The salient issue is not one of deductive consistency but, rather, the substance of what is good, right, and beautiful, and why much that is imperfect belongs to how things are.

One virtue of *Answers for Aristotle’s* discussion of morality is to add what today’s academics call virtue ethics (Aristotle) to what they call deontology (Immanuel Kant) and consequentialism (Jeremy Bentham). But Pigliucci vitiates this improvement by not saying enough about the concrete virtues that Aristotle recommends, or about his view of justice and politics. That every man and woman should create his or her own handy-dandy morality is not Aristotle. In general, Pigliucci underplays social and political facts so that partial laboratory evidence of, say, altruism is not well

balanced with what we see around us, or with the different virtues advanced by different political regimes.

He honestly confesses his standard left-of-center political preferences, but also tendentiously skews things in this political direction. From the myriad examples of people's uncertain grasps of political affairs, he chooses what he himself indicates is a flawed study of the Iraq war (whose result is to make the war's supporters seem stupid) and describes it confusingly.

Pigliucci also has an odd or undeveloped view of equality. He suggests that moral reason requires that we should treat everyone equally no matter how close to or far away from us they are. He pays no attention to unequal qualities, to what allows our talents to flourish, and to how we can develop them for ourselves while benefiting others. He ignores equal rights. He acts as if John Rawls's views have never been seriously challenged, and as if justice means only fairness (equal to equals) but not also unequal to unequals, law-abidingness, proper punishment, serving the common good, or doing what is fitting.

This, despite his references to Aristotle and his discussion of elements of Plato's *Republic*. Perhaps Pigliucci's narrowness is based on his claim that "no philosopher today would be so naïve as to espouse any of [the three moral] ideas in anything like their original form, because discussions in the field have led to more sophisticated versions of them."

One place Pigliucci shows intellectual energy is in his discussion of religion. He thinks that religious belief is rooted in superstition, and argues that Plato has proved in the *Euthyphro* that we do not need gods to be moral. Although his discussions raise important questions, he ignores the place of belief in securing obedience to law, in advancing ethical action, and in elevating our understanding of ourselves and others. A more subtle understanding would enrich his arguments.

I wish he had proceeded differently. A useful book could be written that carefully weighs whatever evidence science brings to bear on the topics he

examines, and others. The examination would discuss studies in enough detail that we would know on whom they were conducted, how they understood the phenomena that compose their research question, how reliable and long-lasting their results are, and whether they have been replicated.

It would distinguish among various types and levels of science. It would not ignore everyday facts and understanding when evaluating evidence. And it would try to differentiate between those of science's results it is foolish to ignore (and why) and those it

is sensible to doubt and dispute. In this way, the author could prudently assess the meaning of science's discoveries for ethical, political, and economic matters, without overstatement.

Such a book would be a tall order, but anything less distorts understanding. If its author wished, he could, of course, also examine searchingly the phenomena that science takes for granted, and to which it intends its discoveries to refer. But this philosophical effort would need to be conducted more broadly than *Answers for Aristotle*, and with less attention to current authorities. ♦



Mr. Stein's Lessons

*There's more to learn here than
the Smoot-Hawley Tariff.* BY ARAM BAKSHIAN JR.

I have known Ben Stein for 50 years. We met as rival high school newspaper editors in early-1960s Washington, and then forged a close, lasting friendship a decade later as colleagues in the beleaguered Nixon White House.

But there are still times when I think of Ben as two different people. The first Ben Stein, the one most of the public is familiar with, is a near-Woody Allen character who stumbles through life as a wandering schlemiel not that different from many of his comic roles on the screen, including his iconic portrayal of the ultimate nerd teacher in *Ferris Bueller's Day Off*. Then there is the second Ben Stein: Yale Law School graduate, journalist, game show host, screenwriter, pundit, and bestselling author—a man of boundless energy, accomplishment, and compassion. Both Ben Steins come together here in ways that amaze, amuse, and inspire, often in the form of simple truths drawn from a not-so-simple life.

Aram Bakshian Jr. served as an aide to Presidents Nixon, Ford, and Reagan, and writes on politics, history, gastronomy, and the arts.

What Would Ben Stein Do?
*Applying the Insights of a Modern-Day
Prophet to Tackle the Challenges
of Business and Life*
by Ben Stein
Wiley, 210 pp., \$21.95

The great Viennese aphorist Karl Kraus claimed that there were three forms of truth: truths, half-truths, and one-and-a-half truths. Half-truths are shallow, obvious generalizations that are all-too-easily stretched or misapplied. The recently coined epithet "factoid" applies to many of them, such as the oft-repeated liberal assertion that "poverty causes crime," even though most poor people are honest and many crooks are rich. By contrast, your ordinary, garden-variety truth is solid, sturdy, and self-evident. Almost a truism that goes without saying, it is a demonstrable fact: What you see is what you get, as with the multiplication table or a recipe for three-minute eggs.

One-and-a-half truths are different. They are the stuff of inspiration, flares that light a path to new levels in understanding life's truths and seeing through

life's half-truths: the great 17th-century philosopher-mathematician Blaise Pascal's conviction that "the heart has its reasons of which the mind knows nothing"; the latter-day sage W.C. Fields's reminder that "you can't cheat an honest man" because most con artists—from Nigerian chain-letter writers to Bernie Madoff—only succeed by appealing to the greediness of "victims" seeking a shortcut to riches.

Gracián ("Without lying, do not speak the whole truth; there is nothing that requires more careful handling than the truth"); cynical aristocrats like the Duc de La Rochefoucauld ("We all have strength enough to endure the misfortune of others") to Benjamin Franklin, whose *Poor Richard's Almanack* was a collection of (mostly borrowed) practical advice in the form of catchy sayings, to the Hollywood mogul Samuel

simplicity and underlying strength.

What Would Ben Stein Do? is not so much a short book as the kind of extended conversation a savvy but humane old uncle might have with favorite nieces and nephews as they strive to come to grips with education and adolescence, work and adulthood, family and finance. Some of the advice is superficial. Spreading joy and boosting personal prestige by tipping generously, or making friends and boosting self-esteem by driving a flashy car, may not involve deep thinking, but they are practical applications of the biblical assertion that "he that is of a merry heart hath a continual feast." Fortunately, there are plenty of lyrical moments as well, when everyday things, simply described, lead to a powerful truth-and-a-half:



Ben Stein in *'Ferris Bueller's Day Off'* (1986)

Politicians and advertising men live mostly by half-truths; engineers and scientists live mostly by truths. The more original and creative among us, regardless of our rank or walk of life, live by one-and-a-half truths. The adage, the aphorism, the fable, and the proverb—all compact ways of expressing big truths—are among the oldest forms of human expression, far predating the printed word. In the absence of documentation, they were a pithy, easily remembered way to pass on important life lessons from one generation to the next. And they continued to be so once writing came along. It's no accident that the Book of Proverbs remains the most frequently quoted (and most practical) section of the Old Testament, and that Jesus often chose to speak in parables and proverbs in the New Testament.

Wise heads have been at it ever since, from pagan stoics like Marcus Aurelius ("Blot out vain pomp; check impulse; quench appetite; keep reason under its own control") to worldly clerics like the Spanish Jesuit Baltasar

Goldwyn, who sprinkled a few genuine words of wisdom ("A verbal contract isn't worth the paper it's written on. . . . Anyone who goes to a psychiatrist should have his head examined") amidst his many malapropisms.

When asked to explain Goldwyn's success as a producer of popular and often outstanding movies, the director/film critic Lindsay Anderson explained it this way:

There are lucky ones whose great hearts, shallow and commonplace as bedpans, beat in instinctive tune with the great heart of the public, who laugh as it likes to laugh, weep the sweet and easy tears it likes to weep. . . . Goldwyn is blessed with that divine confidence in the rightness (moral, aesthetic, commercial) of his own intuition—and that I suppose is the chief reason for his success.

There is nothing shallow about Ben Stein, a more recent Hollywood arrival. But like Goldwyn's before him, his heart beats in tune with what is best in American life and American values. And he knows how to express it with deceptive

[L]ast night, after a fine sushi dinner with my wife; after a long nap with my precious dog, Brigid, lying on my chest, with her big, heavy old head right in front of my nose; I got up and swam in my pool. . . . It was about midnight. The moon was about half full. It was rising above a trio of tall palm trees. The moon painted the palm fronds a silvery blue. All around it were glittering stars, planets, and satellites. A jetliner taking off from LAX made a glowing contrail nimbus across the moon, and then another one came by, and then another . . . like strings on a stellar, nocturnal guitar . . . I thought, "At this moment; not my pal, Warren Buffett; not John Paulson, the spectacularly successful speculator; not anyone on this earth feels as good as I do. I am HAPPY."

Then, Ben continues, "I realized—as I have many times—that to be happy is to be rich. It does not work the other way around." The maxim? "To be arithmetically rich is not to be happy. But to be happy—to be content with what you have—that makes you instantly rich. There is no tax on it (yet). There is no way anyone can steal it from you unless you cooperate."

Kitsch? Chicken fat for the soul? Maybe. But also something worth knowing, and worth being reminded of. Not everyone is lucky enough to have a wise old uncle like Ben Stein. Everyone can, however, enjoy the next best thing by dipping into *What Would Ben Stein Do?* ♦

PARAMOUNT PICTURES

Try, Try Again

Sometimes the trip back to the drawing board is worth the trouble. BY JOHN PODHORETZ

A new zombie movie called *World War Z* starring Brad Pitt and budgeted at \$150 million won't be coming to your local multiplex anytime soon, even though it was originally supposed to premiere this Christmas. Nor will the sequel to the *G.I. Joe* movie I'm sure you didn't see, which cost \$125 million and was due for release in June. And there's a martial arts film with Keanu Reeves called *47 Ronin*, which no sane person over the age of 9 would choose to see, originally set for theaters this year—and not in theaters this year.

Evidently, the studios that made these movies took one look at the finished, or nearly finished, product, screamed in horror at the results, and then chose to do something rare in the annals of Hollywood: Rather than slapping them together, making some good commercials, putting them in the marketplace, and watching them die, they decided to try to fix them.

The studios pulled them from release, committed major new money to their budgets, and began retooling. *World War Z* will reportedly have an entirely new 45-minute ending drafted by an entirely new set of screenwriters. In the case of the *G.I. Joe* sequel, the powers that be belatedly realized that it might have been a mistake to kill off the movie's sole box-office draw—Channing Tatum, who had had a leading role in the first one before becoming the first newly minted male star in years with *Dear John*, *21 Jump Street*, and *Magic Mike*—in the first 10 minutes. So the studio took out a checkbook, asked Mr. Tatum what his number would be, filled it in, and decided

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

on a redo that would fit his schedule.

As for Keanu Reeves, reports are they needed to hire a special-effects firm to spend hundreds of millions of dollars to come up with a second expression for his immobile face. (I kid. Or do I?)

This is all very interesting. It has long been the case, particularly with high-budget films, that Hollywood will pay to add or reshoot a scene or an ending after it shows a movie to a preview audience—although such reshoots are often acts of desperation meant to shore up a sinking ship.

The problem is that, while there are isolated incidents in which such an action has supposedly turned around a movie's fortunes—most notably, *Fatal Attraction*, which reshot its climax and turned Glenn Close's desperate character into a horror-movie villainess who rises from a bathtub like a ghoul—it is almost unheard-of to subject a mostly or entirely completed movie to a thoroughgoing revision. Animators do it, especially at Pixar. But when Andrew Stanton, one of Pixar's premier directors, tried the same approach with the live-action would-be blockbuster *John Carter*, he laid an egg—for the problem wasn't with the scenes but with the picture itself.

Stanton could do this, even though it raised the budget of the movie to \$250 million, because he was working with unknown actors whose schedules he controlled. That's not a luxury for many filmmakers and studios, who have stars and their commitments to work around. Of course, Stanley Kubrick had Tom Cruise and Nicole Kidman entirely under his demented sway as he spent 14 months filming *Eyes Wide Shut*, at one point throwing out 10 minutes of footage because he didn't like the paint on the wall in

a certain scene. What resulted was a movie so unimaginably awful that one can only wonder how bad it would have been had he not reshot it.

Woody Allen once trashed a whole movie and remade it with a different cast. The movie is called *September*. There's a reason you've never heard of it. It's terrible. (On the other hand, one of Allen's best films, *Crimes and Misdemeanors*, was extensively reshot and reconceived as he was making it. That was the one in which a faithless character played by Mia Farrow breaks Woody's heart. Talk about your anticipatory justifications!) As for *World War Z*, evidently Brad Pitt and the movie's director, Marc Forster, got along so badly that, rather like Achilles (whom he played in *Troy*), Pitt spent much of the movie sulking in his trailer and refusing to come out and mumbling his lines and complaining about the whole thing.

But when you decide you need to revise the entire final third of your movie, the question that arises is this: Who made the decision to go ahead with it in the first place if no one knew how to end it? There are stories galore about movies that go into production without a completed script (*Men in Black 3*) because the cast and crew are ready and the studio already has a release date in mind—and so they hope against hope they'll somehow fix it as they go.

And they do it, of course, because once the movie gets going, the money flows like the Nile—hundreds of millions washing over hundreds of people. And the only people who suffer, eventually, are the stockholders or investment bankers who take a beating when none of it comes back.

In the history of movies, though, there is only one case I can think of in which a movie without a finished script and a catastrophic set proved to be not only a box-office triumph but a classic to boot. That was *Tootsie*, one of the three or four best American comedies. If you could get a *Tootsie* once every 20 tries, that might be worth it. But there is only one. Somehow, I doubt that *World War Z* will be its equal. It will more likely be the movie on cable you surf away from when somebody tells you that *Tootsie* is on another channel. ♦

**"In an interview with CBS News Wednesday afternoon, President Obama weighed in on his Republican rival's response to the attacks in Egypt and Libya."
—Washington Post, September 12, 2012**

PARODY

washingtonpost.com • \$1

Obama slams Romney for 'politicizing terror'

UNITY BUS TOUR TO VISIT NINE SWING STATES

'Not a time for politics,' Obama tells 'The View'

BY PHILIP RUCKER

Little did Mitt Romney know when he criticized our commander in chief last week following the attacks in Libya and Egypt that he would be igniting a political firestorm of his own—one that would engulf his presidential campaign and, in all likelihood, cost him the election. With the GOP nominee down in most polls, it has become apparent to anybody with an ounce of common sense that the former Massachusetts governor is desperate and willing to criticize President Obama during a time in which all Americans should be supporting the president and expressing their faith in him—a time that should last well into November.

Meanwhile, Obama continues to take the high road, explaining why now is not the time for politics but for unity. "Governor Romney seems to have a tendency to shoot



SABRINA MATUS

On "The View," President Obama explains the gravity of the moment.

first and aim later," he told "60 Minutes." "That's not me criticizing my opponent per se, and I'm certainly not trying to score political points here—I'm just pointing out a fact. Romney does not have what it takes to be president. I do."

At a Las Vegas fundraising gala, the president continued to remind voters of the seriousness of the moment. "What message do we send to the world when folks like Mitt Romney challenge me and question my leadership in a time of crisis?" he asked. "There will be a time for political sparring," Obama told the guests gathered at the Sapphire nightclub. "But as the media have

rightfully reminded us, now is not that time. The situation is serious, and probably will remain so until next year." Obama then introduced "Jersey Shore" star Mike "The Situation" Sorrentino, who served as the night's DJ.

From Las Vegas, the Obama Unity Bus Tour traveled to New York City, where the president made stops at "The Late Show with David Letterman," the "Today" show, and "The View." At each venue, Obama stressed the importance of unity and castigated his opponent for exploiting

FORWARD CONTINUED ON A6

Bloomberg's 'Untouchables' raid 7-Elevens in all boroughs

the weekly

Standard confiscate Big Gulps, Slurpee machines

