

**WHAT A DEFENSE
SECRETARY DOES**
DAN SENIOR

the weekly

Standard

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THE GUNS THAT MADE AMERICA GREAT

GEOFFREY NORMAN

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COVER: NEWS.COM



Democrats and Double Standards

The ol' double standard was alive and well last week, as former Rep. Jesse Jackson Jr., Democrat of Illinois, pleaded guilty in a Washington federal court to stealing three-quarters of a million dollars from campaign funds.

No, the media were not defending Jackson's seven-year crime spree, which included his wife, a onetime Chicago alderman, filing false income tax returns. Nor were they comparing Jackson favorably with other political miscreants—although the *Washington Post's* resident snarkmeister, Dana Milbank, came close: "Jackson's problem," he explained, "was that he did what everybody else does—but he took it to a new level of excess."

No, it was the mournful, elegiac, even respectful, tone of the coverage that impressed THE SCRAPBOOK. This was not an occasion for harsh judgment or pointed satire, but a family misfortune—a steep, poignant, relentless fall from grace—unfolding in public view. As Jackson acknowledged his monumental thievery to the court, readers were treated to vignettes of his manifest sadness ("Tell everybody back home I'm sorry I let them down"), lamentations about his once-promising career, and de-

scriptions of the family patriarch—that would be the Rev. Jesse Jackson Sr., of "Hymietown" fame—sitting stoically in the courtroom, surrounded by friends and relatives, offering solace to his wayward offspring.

Most impressive of all, the usual suspects on America's op-ed pages—Maureen Dowd, Eugene Robinson, Ruth Marcus, Charles M. Blow, et al.—were equally circumspect, refrain-

Surely, if ex-Rep. Jesse Jackson Jr. had been a Republican, and not a Democrat, we would be reading well into springtime about the culture of venality in his family and party, about the arrogance of power and hypocrisy of the so-called Party of Lincoln, not to mention the cruel vulgarity of an inner-city politician sporting a stolen \$43,350 Rolex wristwatch.

And there would be plenty of laughter as well, for Jackson spent stolen cash not only on the usual swag—the aforementioned Rolex, health club dues, a mink parka, premium cigars, flat-screen TVs and glamour vacations, meals, furniture, private-school tuition, sports memorabilia—but on slightly eccentric investments as well, including a stuffed elk head, a "holistic retreat" on Martha's Vineyard, Bruce Lee artifacts, and a fedora once worn by the late Michael Jackson (\$4,600).

Indeed, last year Gail Collins of the *New York Times* wrote several dozen consecutive columns in which she alluded to the story of the Romney family dog in a crate, strapped to the roof of their car, during a vacation. Imagine what she could do with that stuffed elk head, or Michael Jackson's fedora! ♦

Michael Jackson Memorabilia	8/15/09	\$1,000
Michael Jackson Memorabilia	8/15/09	\$1,200
Michael Jackson Memorabilia	8/15/09	\$1,000
Michael Jackson Memorabilia	8/15/09	\$1,000
Michael Jackson Hat	11/4/09	\$3,900
Michael Jackson and Eddie Van Halen Guitar	11/10/09	\$4,000
Malcom X Memorabilia	2/8/10	\$2,200
Jimi Hendrix Memorabilia	3/13/10	\$2,775
Michael Jackson Fedora	3/20/10	\$4,600

Among the goods subject to forfeiture in the Jackson case

ing from comment on this particular downfall. Readers need only imagine, of course, what the atmosphere would be if the most promising member of a Republican political dynasty—say, a Bush scion, or a Romney son—had stolen \$750,000, disappeared from Washington for months to seek unspecified medical treatment, and then tearfully sought absolution in court.

In that sense, THE SCRAPBOOK was uncertain whether to cry or laugh.

The EPA's Secret Email Accounts

Last week, James Martin, the Environmental Protection Agency's administrator for Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming, announced his intention to resign for "personal rea-

sons." The more likely reason for his resignation is that Martin is currently under a microscope for using a nonofficial email account to hide EPA business from public scrutiny, which would violate transparency laws.

If this sounds familiar, that's because EPA head Lisa Jackson al-

ready resigned in January, following the revelation that she had conducted extensive official EPA business with a private email alias, "Richard Windsor." (THE SCRAPBOOK suspects Jackson picked up her expertise in ethics back when she was chief of staff to former New Jersey governor Jon Corzine.) Now, when the head of

a U.S. cabinet agency resigns under a cloud of scandal, this usually attracts a great deal of attention and is cause for the media to investigate the matter thoroughly. Judging by the lack of headlines generated by Jackson's conduct in Barack Obama's self-declared "most transparent administration in history," you'd be forgiven for concluding that the media are more lapdog than watchdog when it comes to Democratic attempts to strangle the economy with environmental regulations.

The *Washington Free Beacon* is one of the few media outlets plowing through the 12,000 emails the Justice Department has released related to Jackson's illegal conduct. We suspect that more revelations will be forthcoming. However, the *Beacon* has so far revealed that the EPA is about as contemptuous of American industry as you always expected.

Take this sycophantic ditty, written to the tune of "Santa Claus is Coming to Town" that was emailed to Jackson by one of her underlings: *Yes, Lisa Jackson / Is making all haste / EPA's cracking down, On combustion waste / Coal ash regs are comin' to town! / She knows which landfill's leaching / She knows which pond might break / She knows they all lack liners / Close 'em down, for goodness sake!*

Yes, it's about time someone launched a crusade against the coal industry and their dastardly efforts to supply close to half of American homes with electricity. Jackson's EPA tenure was certainly marked by vilification of the coal industry, but the comparison to Santa Claus is rather inapt. We're so far removed from Victorian England we forget that Santa Claus delivering lumps of coal in people's stockings wasn't all bad. We no longer burn coal in household stoves in the dead of winter. Instead we burn it in power plants, and it keeps us warm just the same.

In the emails, Jackson also complains about having to answer the questions of GOP-controlled congressional committees. "The GOP should be called out for their kangaroo court," Jackson wrote. "He is



clearly an unethical bully." According to the *Free Beacon*, the bully in question is likely a Republican congressman. To summarize, Jackson is lamenting being forced to answer questions from an elected representative, whom she calls "unethical," even while breaking the law by using a secret email account to hide her conduct from public inquiry. ♦

As the *Globe* Turns

THE SCRAPBOOK believes that the wounds afflicting the newspaper business are, for the most part, self-inflicted. Not entirely, of course: The rise of the Internet has been problematical for newspapers, and to the

"news business" generally. But the decline of newspapers—in circulation, revenue, quality, influence, and service to customers—began long before anyone had heard of the World Wide Web. The overnight success of "alternative media" such as talk radio and cable television in the 1990s is proof of that.

So we were intrigued last week to see that the New York Times Company is trying, once again, to unload its handful of properties in New England, notably the *Boston Globe* and some smaller publications. Of course, one can hardly blame the company: The Times bought the *Globe* from the Taylor family in 1993 for the staggering sum of \$1.1 billion,

and neither the dollar nor the *Globe* has held its value during the intervening two decades. If the Times Company finds a buyer—and that’s a big if—it will be lucky if the sale yields one-tenth of the 1993 purchase price.

To be sure, the *Times* is putting a good face on it. “Our plan to sell the New England Media Group,” says Mark Thompson, the new (British) CEO of the Times Company, “demonstrates our commitment to concentrate our strategic focus on the *New York Times* brand and its journalism.” Translation: Our accountants, and especially our Mexican billionaire co-owner, Carlos Slim, keep telling us that we’re on the verge of bleeding to death, and we need to limit the flow of blood. Concentrating “our strategic focus on the . . . brand and its journalism” undoubtedly explains the mass layoffs and buyouts at the *New York Times* in recent weeks.

THE SCRAPBOOK doesn’t intend to

be unduly malicious, of course, but if one publication personifies the tone-deaf arrogance, gluttony for power, partisan bias, institutional condescension, and unremitting self-regard of the modern media conglomerate, it is the *New York Times*. And it is hard not to derive some satisfaction from seeing it taken down a peg or two.

If they’re lucky, they will find a buyer somewhere—some starry-eyed entrepreneur, civic-minded Bostonian, or perhaps another rich Mexican—for the *Globe*, and the Times Company will be free to retreat toward Manhattan to lick its wounds and “concentrate [its] strategic focus.”

We hope they succeed, for despite its manifold faults the *Times* remains a newspaper worth reading—some of the time. The question, however, is whether the *New York Times* will learn anything at all from its brush with oblivion, and the answer is: probably not. ♦

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Weepers Keepers

An old journalistic axiom holds, “If it bleeds, it leads.” This means that stories of violence—of murder and arson, tornadoes and hurricanes, floods and carnage—always get primary attention in newspapers and on radio and television news. They still do, but coming up fast on the outside, especially on television news, are stories of deep personal sadness. So regular a feature of nightly television news has the spectacle of heartbroken people become that a new axiom is needed: “If it weeps, it keeps.”

I have in mind those stories that cause people, in response to the questioning of journalists, to break down in tears. I saw one the other night about a couple who were in the advanced stages of adopting a Russian child when Vladimir Putin decided to outlaw American adoption of Russian orphans. Pictures were shown of the couple playing with the child during visits to Russia. The story ended with the journalist asking the husband how he felt about this setback. He answered that Putin’s edict would cause great distress for many orphans, tears streaming down his face as his voice broke.

“What was on your mind when this disaster occurred?” “Did you ever think you would be unemployed this long?” “How do you feel about your horrendous luck?” These seem to be among the most frequently asked questions in television journalism. Inspired perhaps by the sappy success of Barbara Walters and Oprah Winfrey, television news shows, local and national, now go directly not for the jugular but for the tear ducts.

“How do you feel, knowing that the bank has foreclosed on your mortgage on the house that your grand-

father built when he arrived here from Poland 75 years ago?”

“What were your first thoughts when you saw the tornado was headed straight for your home with your 3-year-old twin sons in it?”

“When you learned that your 14-year-old daughter, an honor student, was killed in the crossfire between gangs, what went through your mind?”

Two questions of my own: Why do the people on whom all this sadness has been visited agree to talk to jerks with microphones in their hands and



cameramen in tow? Second, Where do television stations find journalists vulgar enough to ask such questions?

Journalists, to be sure, have never been known for their sensitivity. In *A Child of the Century*, his autobiography, Ben Hecht recounts that his first job in Chicago journalism was to get photographs of recently deceased people to run with their obituaries. One family, valuing its privacy, refused to speak to him. So Hecht climbed up to the roof of their house, clogged their chimney, and when the house filled with smoke, causing the family to evacuate it, ran in to steal a portrait of the deceased from its place over the mantle.

In the 1980s, the *New York Times Magazine* ran a weekly column about the psychological problems of contem-

porary men. Contributors to the column told of complicated relationships with their fathers, or with their children, or of experiences in which they had to abandon the standard responses of traditional masculinity. Among editors at the magazine, the column was known as “Wimps.”

I shouldn’t be surprised to learn that, at the planning sessions of current television news shows, the question arises daily of what stories are lined up in which people break into tears. Easy to imagine a scene where the local news anchor asks the managing editor what weepies he has scheduled for tonight’s six o’clock news. “We’ve a choice of three,” the editor tells him. “We’ve got a woman whose uninsured house burned down, the widow of a recently shot cop, and a kid whose puppy was run over by a fire engine.” The anchorman pauses, then says: “Let’s go with the cop’s widow and end with the kid and his dead puppy. Animal stories are always good to close on.”

Why have these insensitive, indelicate-because-altogether-too-personal questions asked of people who have undergone loss become a staple of television news? Is having

the victims of tragedy break down on television supposed to make the rest of us feel good by comparison? (There but for the grace of God . . .) Are we supposed to feel bucked up for not having our own houses blown away or flooded out, or for having managed our personal finances more carefully than those now out of work and in danger of losing their homes through foreclosure, or for not having lost people we love to acts of arbitrary violence?

Far from feeling lucky, or elated, or in any way superior, the effect on me of watching people brought to tears on television is much simpler. It confirms me in my belief in the low-grade cynicism and irretrievably bad taste of television journalism.

JOSEPH EPSTEIN

A Darkling Plain

Leo Strauss wrote of the “all men are created equal” sentence in the Declaration of Independence, “The passage has frequently been quoted, but, by its weight and its elevation, it is made immune to the degrading effects of the excessive familiarity which breeds contempt and of misuse which breeds disgust.” Doesn’t this also hold for the closing lines of Matthew Arnold’s *Dover Beach*?

*And we are here as on a darkling plain
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night.*

The passage is familiar. But as one surveys the American landscape on Washington’s birthday in 2013, it seems particularly apt.

The plain is darkling. The world grows more dangerous. Yet we heedlessly slash our military preparedness. Iran hastens toward a nuclear weapon, which would pose an existential threat to Israel and signal a nuclear arms race in the Middle East.

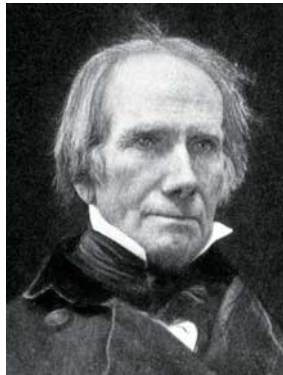
Yet the president nominates for secretary of defense a man who is patently unqualified for the position, who despises Israel, and who has a record of being exceedingly solicitous of Iran. We win in Iraq and make progress in Afghanistan, thanks to the valor and sacrifice of our troops, and the president puts these accomplishments at great risk because he chooses to pander to public war weariness rather than attend to America’s national interests.

Our political armies are confused or ignorant. A foolish and dangerous sequester looms, one both parties promised would never happen. But neither party now can be troubled to put forth a credible proposal to avert it. President Obama views the moment as an opportunity for scoring cheap political points. Republicans are so desperate for a “victory” over Obama that they now embrace Obama’s foolish idea, and so are willing to sacrifice national defense for minor cuts in domestic spending which will in no way fundamentally change our trajectory toward national insolvency and a nanny state. Meanwhile, Obama postures on guns and immigration as

Republicans calculate their every move tactically, looking intently in the rear-view mirror.

So it’s a darkling plain. And there’s no point hoping that illumination will come by a bolt of light or that ignorant armies are suddenly going to become enlightened.

On the other hand, we needn’t succumb to Arnold’s apparent despair, or to his counsel to retreat to private life. Arnold wrote *Dover Beach* in 1851. The next year, across the Atlantic, the great American statesman Henry Clay died. Abraham Lincoln eulogized him:



Henry Clay



Matthew Arnold

Mr. Clay’s predominant sentiment, from first to last, was a deep devotion to the cause of human liberty—a strong sympathy with the oppressed everywhere, and an ardent wish for their elevation. . . . He loved his country partly because it was his own country, and mostly because it was a free country; and he burned with a zeal for its advancement, prosperity, and glory, because he saw in such, the advancement, prosperity, and glory of human liberty, human right, and human nature. He desired the prosperity of his countrymen, partly because they were his countrymen, but chiefly to show to the world that free men could be prosperous.

One suspects the world-weary Arnold would have cast a skeptical eye on Clay’s zeal for the cause of human liberty. But American conservatives can both learn from the wisdom of Arnold and capture the spirit of Clay. Conservatives will surely be moved by Arnold’s evocation of the *tremulous cadence slow* that brings *the eternal note of sadness in*, and by the Sea of Faith’s *melancholy, long, withdrawing roar, / Retreating, to the breath / Of the night-wind, down the vast edges drear / And naked shingles of the world*. But what American isn’t also inspired by Lincoln’s tribute to Henry of the West?

We know that in politics the plain will rarely be sunlit and the armies rarely enlightened. But surely American conservatives can do better than simply add to today’s confused alarms of struggle and flight.

—William Kristol

The Matter in Handschu



Elshafay (left) and Siraj (center) in a surveillance photo

Pakistani national Shahawar Matin Siraj and a friend, Irish-Egyptian-American James Elshafay, went to the Herald Square subway station on 34th Street in New York City on August 21, 2004, shortly before the quadrennial Republican National Convention was scheduled to begin nearby. Siraj and Elshafay were no ordinary commuters. They wanted to determine, as precisely as possible, the exact location on the subway platform where a bomb would inflict the maximum amount of damage. They even made diagrams of the station outlining their murderous designs. Yet the plot, thank Allah, never made it past the planning stage. The NYPD arrested Siraj and Elshafay six days after their clandestine visit to Herald Square.

Turned out Siraj had been discussing his plans, in great detail, with undercover police informant Osama Eldawoody. The NYPD had access to hours of these discussions, in which Siraj expounded on jihad, the evils of Abu Ghraib, and the heroism of Osama bin Laden. Also among the topics: Siraj's fevered desire to kill Americans—a desire that was repressed thanks to Eldawoody and the NYPD, which had stumbled upon the terrorist plot only because its intelligence unit was aware of the Islamic Books and Tapes store in Brooklyn where Siraj worked.

Elshafay, who pleaded guilty, was sentenced to five years in federal prison in 2007. Siraj is serving a 30-year sentence. Their conspiracy is just one of the 16 known terrorist plots against New York City that have been foiled in the decade since nearly 3,000 men, women, and children were murdered in Manhattan on the morning of September 11, 2001. Hard to argue, it would seem, with the NYPD's 12 years of keeping its city safe.

But people do argue, intensely, and with a lack of proportion and context that is simply mindboggling. Consider: For years now, the February 9 *New York Times* editorial page breathlessly informed readers, New York police officers, “deploying an army of spies,” have been “spying on law-abiding Muslims” and “targeting Muslim groups because of their religious affiliation, not because they present any risk.” Such is the allegation of a motion lawyers connected with the New York Civil Liberties Union filed in federal court in early February. “New York City police,” the motion details, “routinely selected Muslim groups for surveillance and infiltration.” Which is “more than ample reason,” concludes the *Times*, “to be concerned about possible overreach and unconstitutional activity.”

Well, no. A hundred times, no. Unless, that is, the very existence of a police force is reason enough “to be concerned about possible overreach and unconstitutional activity.”

At issue are the so-called Handschu Guidelines, an unwieldy set of judicial protocols that limit NYPD surveillance of “political activity.” These guidelines, named after Black Panther attorney Barbara Handschu, are the result of a class action filed against the police in 1971 and settled in 1985. “No other police department in the country is bound by these rules,” notes former director of NYPD intelligence analysis Mitchell Silber. And no other police department in the country has had to deal with such a persistent and adaptive terrorist threat, while assuring critics in activist groups and the media that no, sorry, martial law has not been imposed on the five boroughs. A federal judge recognized as much in 2003 when he modified the Handschu Guidelines to allow the NYPD freedom to uncover and disrupt incipient plots.

Still, write the plaintiffs' attorneys in their motion calling for injunctive relief and the appointment of an “auditor or monitor” to oversee police work, “The NYPD has not complied with the Guidelines in conducting these investigations.” After all, “A criminal predicate is necessary under the Guidelines for inquiries or investigations of the sort that the NYPD has been conducting in the Muslim community.” What the NYPD has, instead, is a “concentration on things Muslim” that “arises out of

AP PHOTO / BROOKLYN US ATTORNEYS OFFICE

the prejudice” of city police. “The NYPD supposes that because an organization is connected to Islam, therefore it is suspect.” The fools on the force actually subscribe “to a theory about how certain organizations and theological beliefs contribute to the ‘radicalization’ of Muslims”—perish the thought. Hence the “very evils that are being visited on the Muslim community,” such as cops walking the beat, keeping tabs on the neighborhood, and, if need be, infiltrating a terrorist cell. So watch what you say. “This is the essence of a police state.”

Rabid hyperbole notwithstanding, this argument strikes us as rather weak. And the argument probably would strike the lawyers making it as rather weak, too, had they taken the time to read their own brief. As quoted therein, a “criminal predicate” is not actually necessary under the Handschu Guidelines: “In its effort to anticipate or prevent unlawful activity, including terrorist acts,” the guidelines state, “the NYPD must, at times, initiate investigations in advance of unlawful activity. It is important that such investigations not be based solely on activities protected by the First Amendment.” Note the use of the adverb *solely*, which would seem to provide the NYPD significant leeway in initiating such investigations.

And note what the guidelines, quoted in the brief, have to say on the matter of retaining the information that

investigators collect: “Section VIII (A)(2) of the Guidelines authorizes such visits ‘for the purpose of detecting or preventing terrorist activities’ but states that ‘no information obtained from such visits shall be retained unless it relates to potential unlawful or terrorist activity.’” Again, there would seem to be a lot of wiggle room in the use of the adjective *potential*. New York City, don’t forget, has been under sustained terrorist threat since the first World Trade Center bombing in 1993. The *potential* for terrorist activity is great. Does the NYCLU really expect the authorities to start from square one after a successful attack? And what good is the effort to distinguish between the exceedingly few locations around which radicals congregate and the vast majority of benign locations if the NYPD has no records of which locations are which?

Investigative techniques deemed reasonable and lawful by New York mayor Michael Bloomberg, police commissioner Ray Kelly, CIA nominee John Brennan, and an outside review board convened by New Jersey governor Chris Christie have helped protect New Yorkers for over a decade. And they will continue to do so, provided the courts keep the grievance groups at bay. The New York Police Department does not endanger American civil liberties. Terrorists like Shahawar Matin Siraj do.

—Matthew Continetti

The Key to Cybersecurity Is Public-Private Collaboration

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

Sophisticated cyber attacks are on the rise, most recently targeting federal agencies, media outlets, social networking sites, top corporations, and leading financial institutions. According to the U.S. government, China is by far the most significant perpetrator of state-sponsored cyber espionage, but other governments, such as Russia and Iran, are engaged in similar efforts. Whether carried out by nation-states, hackers, or criminal organizations, cyber attacks compromise classified information, intellectual property, consumer data, and business networks, putting our national and economic security at risk.

We must be prepared with smart and effective policies that protect private sector investment in innovation and enable companies to prevent, detect, and mitigate cyber attacks.

The administration recently issued an

executive order on cybersecurity. While the Chamber opposes the expansion or creation of new regulatory regimes, the executive order contains some promising provisions. It emphasizes the need for public-private partnerships, greater information sharing, and the collaborative development of a cybersecurity framework and program.

The executive order gives us a chance to see what works and what doesn’t. It gives the administration an opportunity to hear the perspectives and concerns of the private sector as cybersecurity policy is developed. The executive order should also be complemented with information-sharing legislation that has the support of the broader business community.

Congress must continue to work on a bipartisan bill that would put timely, reliable, and actionable information into the hands of businesses so that they can better protect their systems and assets. In turn, businesses need liability protections when they voluntarily share with the government and industry peers. Cybersecurity legislation should

also encourage international cooperation against cyber crime, enhance research and development, reform the Federal Information Security Management Act of 2002, and heighten public awareness and education.

It’s vital that our cybersecurity policies don’t create burdensome regulations or new bureaucracies. Existing regulatory models won’t allow us to keep up with the rapidly developing threats in cyberspace. Today’s regulations could be outdated tomorrow, and companies could actually become more vulnerable if they’re operating under security requirements that are obsolete.

Businesses genuinely want partners—not regulators—in the fight against cyber criminals. The key to an effective cybersecurity strategy must be collaboration. We all have a stake in the outcome of the debate—so we must work together and ensure that we get it right.



U.S. CHAMBER OF COMMERCE
Comment at FreeEnterprise.com.

What a Defense Secretary Does

Pace Hagel, it's a policy-making job.

BY DAN SENOR



In September 1993, Secretary of Defense Les Aspin received a request from the U.S. commander in Somalia for extra tanks, armored vehicles, and AC-130 Spectre gunships to support U.S. operations in Mogadishu. Aspin refused the request. The White House was not involved in the decision. Days later, 18 U.S. soldiers were killed in Mogadishu, some 84 were wounded, two U.S. choppers were shot down, and one pilot was captured. Aspin, who later conceded he had erred in

Dan Senor is cofounder of the Foreign Policy Initiative. He served as a Department of Defense official based in Doha and Baghdad in 2003 and 2004.

denying the commander's request, appeared weak when responding to detailed questions during a congressional hearing. His resignation followed less than a year into his hapless tour running the Pentagon.

Myriad concerns have been raised about Chuck Hagel, President Obama's nominee for defense secretary, including his voting record, impolitic statements, two unremarkable Senate terms, scant management experience, and embarrassing performance at his confirmation hearing last month. Yet Hagel's defenders dismiss these concerns because, they argue, the important decisions are made at the White House, by the president and his team.

"After all," said Senate Armed Services Committee member Richard Blumenthal (D-Conn.), "the president is the one who sets policy." White House press secretary Jay Carney is similarly sanguine that Hagel "will implement all of the president's policies with regard to the Defense Department." Indeed, at last month's committee hearing Hagel himself said, "I won't be in a policy-making position." *Fear not*, Hagel's defenders say, *Secretary Hagel won't be given keys to the car.*

This view wildly understates the role of America's most important cabinet officer. Much of a defense secretary's work is at his own discretion. He is responsible for military budgets and procurement, personnel promotions, public diplomacy, the Pentagon's relations with defense ministries and militaries around the world, tactical military movements, and most force deployments. When a commander asks for an additional unit or capability—as with Les Aspin in Somalia, with Donald Rumsfeld and Robert Gates in Iraq and Afghanistan, and even with Leon Panetta in Benghazi—the request lands on the secretary's desk. And more often than not, it is the secretary, not the president, who makes the call.

Such heavy responsibility is in the nature of the job. The secretary of defense is the second in the military chain of command (below the president and above the combatant commanders). He actively maneuvers the nation's armed forces, relying on his own judgment within the broad boundaries of White House strategy. In the early years of the Iraq war, for example, Donald Rumsfeld micro-managed deployment schedules, taking units down to the platoon level out of the deployment to emphasize his desire for "light footprint" operations. This policy decision, which was Rumsfeld's to make, contributed to the security vacuum in Iraq.

In his memoir, General Stanley McChrystal describes the weekly meeting with Rumsfeld to review and seek approval for deployment orders (DEPOD): "Page by page, the

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secretary scrutinized each DEPOD, often asking pointed questions on its importance to the mission and timing of the deployment,” wrote McChrystal. “Without question, the secretary’s intractability forced the military to be more flexible.”

The defense secretary’s reach into personnel appointments is no less consequential. The case of Major General H.R. McMaster is instructive. McMaster is not a household name, but he has played an outsized role in shaping U.S. military strategy post-9/11. As a colonel leading the 3rd Armored Cavalry Regiment in Iraq in 2005 and 2006, he experimented with the “clear, hold, build” strategy to fight the insurgency in Tal Afar, a town on the Syrian border that served as a transit point for terrorist arms and funding coming into Iraq. His strategy not only stabilized Tal Afar but also became the proof-of-concept for General David Petraeus’s “surge,” which helped end the shooting war in Iraq, reduce sectarian violence, and pave the way for a U.S. withdrawal.

Despite his extraordinary achievements, McMaster’s career hit a ceiling: As a colonel in 2006 and again in 2007, the Army promotion board passed him over for the rank of brigadier general, prompting Secretary Gates to step in. By helping to arrange for General Petraeus—a McMaster booster—to return from Iraq and take charge of the 2008 promotion board, Gates ensured that McMaster and others whose careers he wished to advance were promoted. The same special board also promoted Colonel Sean MacFarland, the architect of the successful counterinsurgency campaign in Ramadi (today he is a major general). There was no precedent for a combatant commander being brought back from a war theater to facilitate a promotion. But an assertive defense secretary using his extraordinary powers could make it happen. Soon after, McMaster was assigned to the U.S. Army Training and Doctrine Command, where he helped shape Army doctrine in ways that are likely to endure for decades.

That high-level military appoint-

ments have pivotal consequences for the way in which America fights its wars is reflected in the fact that all General Officer appointments are technically presidential appointments. However, it has been rare for a president to get directly involved except in extraordinary circumstances—e.g., Presidents Bush and Obama picking General Petraeus for command in Iraq and Afghanistan, respectively. More often, the president rubber-stamps the selections of the secretary and the Joint Chiefs. In fact, the U.S. Code states that “the Secretary of Defense shall inform the President of the qualifications needed by an officer.” So in addition

The secretary of defense’s authority extends beyond personnel and deployments. Given his essential role in developing the defense budget, he determines the weapons and support that will be available to our troops once they are deployed.

to winnowing down the list of possible candidates for a command and making a recommendation, the secretary of defense provides the president with the criteria and parameters for each hire.

These recommendations have great bearing on the advice the president receives on war and national-security matters. The president receives briefings from the chairman of the Joint Chiefs and from the secretary of defense. The chairman relies on the Joint Staff for his advice. The secretary relies on his own extensive staff, almost all of which he selects without serious White House involvement. The Office of the Secretary of Defense (OSD) personnel provide the secretary with the information, intelligence findings, and analysis that inform the advice he gives to the president. The makeup

of the OSD matters tremendously, and that makeup typically reflects the predilections of the secretary, not the White House. For good or ill, OSD personnel is DoD policy.

The secretary of defense’s authority extends beyond personnel and deployments. Given his essential role in developing the defense budget, he determines the weapons and support that will be available to our troops once they are deployed. The White House can (and often does) set top-line figures for defense spending. It does not, however, write the actual budget, which emerges from painful negotiations within the services and then among the services, with the secretary as the final arbiter. Should we cut troops to fund airplanes? Should we buy more F-22s or proceed with research on ground vehicles? How many Patriot antimissile batteries should we field? These are all questions that the secretary will answer—and with which the White House will rarely if ever get involved.

In the mid-1970s, with the Soviet Union extending its quantitative edge in materiel, Secretary Harold Brown tasked William Perry, then undersecretary of defense for research and engineering, with ensuring America’s qualitative edge through a project that evolved into a bold bet on “invisible” aircraft. As Perry explained at a 2003 conference at Stanford University, “I saw immediately that this so-called stealth technology, if successful, would give the U.S. Air Force an overwhelming advantage. . . . So I told the Defense Advanced Research Projects Agency [DARPA] that it would have all the resources needed to prove out the concept as quickly as possible.” Six months later the team had test flown a scale-model aircraft. In 1977, Brown put the full weight of his office behind the program, bringing in the Air Force to work jointly with DARPA and build a new stealth bomber within just four years—an incredibly ambitious feat which was achieved as planned by the time Brown left office in 1981.

As Perry noted, “when this

technology was being introduced into the military arena, in the 1970s and 1980s, there was considerable skepticism that it would really be effective.” But thanks to the vision of an assertive secretary of defense, the commitment to pursue stealth technology in the 1970s led to technological innovations such as our current drone capabilities that have proven vital for U.S. military superiority in the decades since.

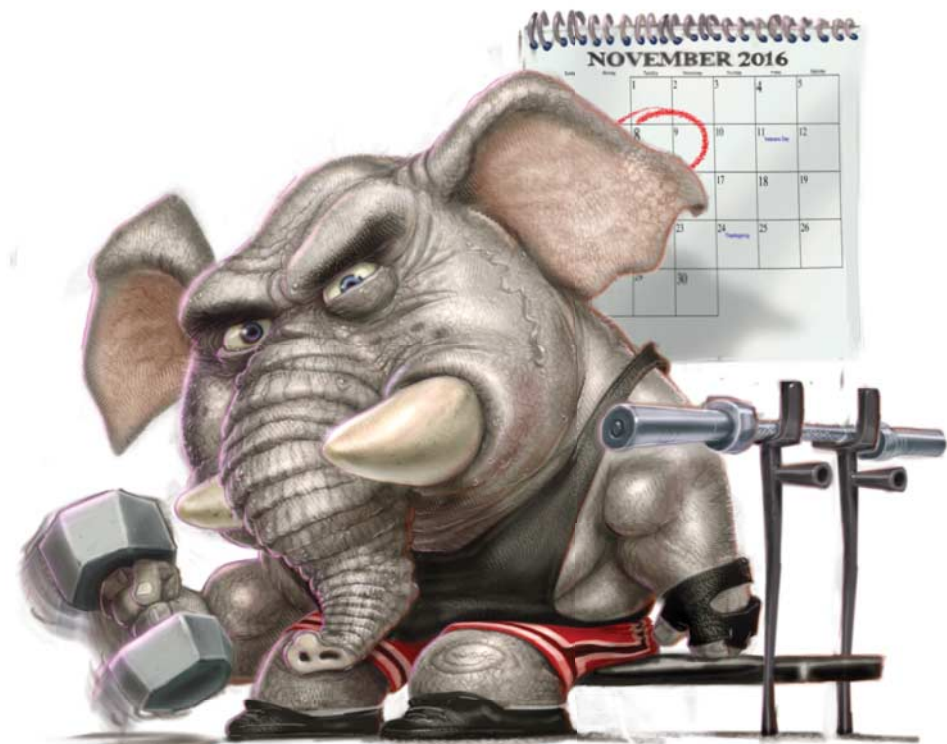
Of course decisions on development cut both ways. The secretary of defense has the power to kill multibillion-dollar projects that he believes represent a drag on the budget. He does so with minimal White House oversight. Consider the A-12 Avenger II, a proposed carrier-based stealth bomber replacement for the A-6 Intruder. Its development—begun under President Reagan’s secretary of defense, Caspar Weinberger, in 1984—was plagued by ever-expanding costs and delays. In December 1990 Secretary Dick Cheney asked the Navy to justify a program that had cost some \$5 billion. Dissatisfied with the response, Cheney pulled the plug. As he explained at the time, “It was not an easy decision to make. . . . But no one could tell me how much the program was going to cost . . . or when it would be available.” Decisions on technology, on systems and weaponry, on the range of capabilities that the U.S. military will have available going forward are decisions often made by the defense secretary alone.

The most that can be said in favor of Chuck Hagel’s nomination is that his hands will be tied, that he won’t have much scope to affect policy. But no one should be under any illusions: If Chuck Hagel becomes secretary of defense, he will be captain of the Pentagon ship, choosing its crew and charting its course. The decisions *he* makes on the job will have tremendous consequences for the wars America fights today, and perhaps an even greater impact on the wars which America might fight in the future. Secretary of Defense Chuck Hagel, like every secretary of defense before him, will be a consequential policymaker, for better or for worse. ♦

How to Win in 2014

Stop Obama, promote the farm team.

BY JAY COST



Nearly four months after the election, most everybody seems to agree that something is amiss with the GOP. This consensus has provoked a stream of free advice for how Republicans can get back on their feet. Some of it is constructive and helpful. For instance, commentators like Jim Pethokoukis of the American Enterprise Institute, Peter Wehner of the Ethics and Public Policy Center, and Michael Gerson of the *Washington Post* have persuasively argued in various ways about why and how the Republican party needs to update its policy offerings. But much

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of the “advice” amounts to a victory lap by liberal Democrats and their friends in the media, many of whom seem to think that a successful Republican party would be one that closely resembles the Democrats.

Helpful political advice should first of all be practical, taking into account what can and cannot be done. What, for instance, can the Republican party accomplish between now and the next election? To do that, we should first take a political inventory, to see where the GOP stands. On the plus side of the ledger, we have the party’s strength in the states. Republicans control 30 governorships, including in key swing states like Florida, Ohio, and Pennsylvania. What’s more, the

GARY LOCKE

GOP holds a majority of state legislative seats, roughly 52 percent nationwide. All told, Republicans have unified control of 25 states, with 53 percent of the nation's population. Compare that with the Democrats, who control 13 states with 30 percent of the American public.

Republicans also control the House of Representatives and retain enough seats to filibuster in the Senate. Not only that, but the 234 House Republicans still constitute a larger caucus than at any point during the Republican "revolution" of the mid-1990s. While this number is down from 2010, the last two cycles have produced the strongest GOP House majority since the Great Depression.

Finally, the Republican coalition is reasonably united. Naturally, there are fissures—notably, the divide between the so-called establishment wing of the party and the Tea Party "opposition." Nevertheless, historical perspective is appropriate here. While the media like to play up today's divisions, the party remains generally united around a set of policy goals—tax reform and sensible deregulation to jump-start the economy, entitlement reform to solve the debt crisis, the expansion of domestic energy production, and so on. One could not say the same of the Republicans after Franklin Roosevelt's reelection in 1936 or Lyndon Johnson's in 1964.

What about the liabilities the party faces? Most obviously, the GOP failed to win the top prize in 2012. A lot of the talk about the divided nature of today's GOP is an artifact of its failure to win the White House. The American political system—with its separation across three branches of the national government, and then across states and localities—disperses power far and wide, intentionally creating a problem of collective action. One of the biggest jobs of the modern president is to guide the vast, diverse machinery of the government to realize the public good.

Because political parties seek to control this vast apparatus, they ultimately mimic its design. This means that American parties are also disorganized and clunky. When a party

does not control the White House, it is largely incapable of achieving collective goals because no one person or group is "in charge." Today, no single Republican—not House speaker John Boehner, not Senate minority leader Mitch McConnell, not party chairman Reince Priebus, or anyone else—has the power to induce the various factions within the party to cooperate. And, so long as the Republican party does not control the White House, nobody will. This means that there are limits to the kinds of reform the Republican party can undertake. This is not a problem unique to the 2013 GOP, but one that has saddled all minority parties in the modern era.

Another liability is President Barack Obama himself. He is not a good partner for constructive governance, even in areas where there might be agreement. The current battle over sequestration is a perfect illustration of the challenge Republicans face in dealing with Obama. The impasse boils down to the president's demand for higher taxes to deal with the \$1.2 trillion in deficit reduction that sequestration requires. However, when the deal was inked back in the summer of 2011, the two sides were both looking for \$1.2 trillion in discretionary spending cuts. In other words, President Obama changed his bargaining demands.

This has become a pattern with the president. During the debt ceiling battle in 2011, he came back to Boehner at the 11th hour with a request (or demand) for 50 percent more in new tax revenue. He vacillated on whether he wanted Republican input on the 2009 stimulus, at first encouraging the GOP to come to him with ideas, then icily shutting them down when they did so. He flip-flopped after Scott Brown won the Massachusetts Senate seat, temporarily scuttling Obamacare. At first, he appeared solicitous of Republican suggestions, going so far as to hold a bipartisan summit at Blair House. Then he changed his mind, forcing the massive new health care entitlement through the Congress on a party-line vote. It is very difficult to negotiate with somebody who plays these games. How can he be trusted?

At any moment, he could scuttle a deal, then hold a press conference to blame Republicans.

This points to the third liability the Republicans face—the House of Representatives. While it is fortunate that the GOP controls it because it can veto the liberal agenda, it is a perfect straw man for this president. And indeed, President Obama has used the bully pulpit masterfully, convincing the public that congressional Republicans are to blame for the breakdown in Washington governance. While insider accounts—such as Bob Woodward's *The Price of Politics*—paint a vastly different picture, those points are lost on the public, which is predisposed to blame Congress.

With this political inventory in hand, what practical advice can we give the Republican party? What can it actually do to improve its position between now and the 2016 presidential election?

The first suggestion is also the easiest: Stop the Obama agenda. House conservatives unfortunately are in no position to enact a conservative alternative. Nor, for that matter, can they even force President Obama to reject it; Senate Democrats will reliably table anything that makes Obama look bad well before it gets to his desk. However, they can stop the advance of the left. This is not nothing, considering the ambitions of the president. What's more, the implementation of his centerpiece program, Obamacare, has been problematic, to say the least, and House Republicans are in prime position to keep Democrats from "fixing" the law through more taxes, regulations, and governmental control.

Beyond that, matters become much more complicated. Hindsight is 20/20, and it appears clear in retrospect that congressional Republicans made a mistake in trying to force President Obama to deal responsibly with the country's fiscal problems. He is not interested in leading (or following) on this issue. Worse, he has used the megaphone of the presidency to cast Republicans as the irresponsible party.

This is probably the GOP's number one danger moving forward. It cannot allow President Obama to create the impression that Republicans are too radical or dangerous to govern. Without sacrificing its veto power over the liberal agenda, the best approach for the GOP is a strategic withdrawal from the battlefield. If there is no forcing this president to be responsible, and if the GOP is hopelessly outgunned in the PR war by the partnership of the White House and a pliant press corps, then the only sensible move is to demur. Republicans should pass whatever symbolic pieces of legislation are necessary to stake out the GOP's position, but when it comes down to a choice between some kind of crisis (be it a government shutdown, the "fiscal cliff," or whatever) and letting Obama have his way, Republicans should choose the latter.

Nancy Pelosi's tenure as speaker in 2007 and 2008 is actually a good model for Republicans. The Democrats won in 2006 on a wave of antiwar sentiment, but so long as George W. Bush held the veto pen, there was relatively little they could do. Sure, congressional Democrats could have cut off war funding, but that would have been a PR disaster. So Pelosi and her leadership team passed symbolic bills to end the war, then acceded to President Bush's requests for funding.

While avoiding unproductive confrontations in Washington, Republicans should turn their attention to the states as the main arena for conservative reforms. Which state leaders have been successful? Why have they succeeded? How can these lessons be translated to the national stage? Republicans should be optimistic about their future because, with so many leaders on the state level, it is possible for the GOP to get answers to these questions between now and 2016. Put another way, the GOP is like a baseball team that just missed the playoffs, but is fortunate to have an excellent system of farm clubs.

But making the most of that opportunity is easier said than done. Unfortunately over the last three years, we have seen the GOP shoot itself in the

foot many times over; Republican electorates have nominated candidates for office who have underperformed, needlessly alienating voters who otherwise might be amenable to the GOP program. This has been most pronounced in the Senate; over the last two cycles, Republicans have lost as many as seven Senate seats because of weak, ineffectual candidates who could not communicate persuasively.

Insofar as the party is capable of collective action, its efforts should focus on finding quality candidates, both for 2014 and 2016. A lot of this simply comes down to convincing the top tier of would-be Republican officeholders that the country's problems are too dire for them to refuse the call to service. The rest of the task will be about making sure that these top challengers make the most persuasive case

to Republican primary electorates. If there is one thing Republicans have failed to do in the Age of Obama, it is putting its best foot forward.

All told, it is mightily frustrating that the GOP did not capture a national majority in the 2012 election, especially considering it seemed up until the last minute that victory was possible. But, disappointment aside, the 2013 Republican party is relatively well positioned, considering it just lost the presidency. It has a lot of tools in its toolbox, and while there are certainly problems that must be dealt with, they are not of the existential variety. If Republicans can stop the further advance of Obama's liberal agenda while deflecting his demagogic attacks, that should provide the cover for the Republicans' farm team in the states to get ready for the battles of 2014 and beyond. ♦

Unrequited Love

The unions went all in for Obama.

What's he done for them? BY MARK HEMINGWAY

On February 17, some 35,000 people showed up for a march outside the White House to protest construction of the Keystone XL oil pipeline. The environmental lobby is going all out to stop the pipeline, which will transport oil from Alberta, Canada, to refineries near Houston. In its ongoing offensive against the project, the Sierra Club has endorsed civil disobedience for the first time in its 120-year existence. A Sierra Club protest outside the White House on February 13 culminated in the arrests of actress Daryl Hannah, former NAACP chairman Julian Bond, and Robert F. Kennedy Jr.

The surprising thing is not an environmental lobby's effort to stop a pipeline, but how successful it has been, given that building Keystone

XL is a top priority for another powerful Obama constituency—unions. The \$5.3 billion project is expected to create 20,000 jobs in the United States, with a great many of them going to union members. After initially approving the project in 2011, the administration has found various ways to delay breaking ground.

Unions were willing to cut Obama some slack on delaying the pipeline, understanding that the president didn't want to alienate environmentalists until his reelection was secure. Last August, after the White House had dithered on approving the project for over a year, AFL-CIO head Richard Trumka told *THE WEEKLY STANDARD* he was unconcerned. "I think we can get it done in the second term," he said. In the months leading up to the election, Trumka asserted his belief the pipeline would be built once Obama was reelected so

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often that it bordered on braggadocio.

On January 19, the day before Obama was sworn in for a second term, the president rejected yet another permit to build the Keystone XL pipeline. This postpones a decision on the project to “the beginning of summer at the earliest,” an anonymous official told Reuters. When and if the pipeline will be built remains anybody’s guess. It’s true that not all unions are enthusiastic about the construction of the pipeline. But the AFL-CIO isn’t simply another union—it’s the nation’s largest confederation of unions, spending hundreds of millions of dollars to elect Barack Obama and Democratic allies over the last three election cycles.

The really bad news for unions is that the Keystone XL episode is emblematic of a much larger failure of organized labor’s political strategy. To be fair, calling it a strategy may be generous. After the resounding Republican victory in 2004, unions simply resolved to spend as much money as they could to elect as many Democrats as possible.

Since 2008, unions have doled out more than \$1 billion in campaign cash, including over \$400 million in 2012. And that’s just what the unions own up to spending. Thanks to transparency requirements put in place by the Bush administration’s Department of Labor, the *Wall Street Journal* was able to estimate last year that labor unions spent \$4.4 billion on political activities between 2005 and 2011. Union political spending now exceeds all other direct political donations, though this essential fact is ignored in the incessant media harrumphing over super-PACs, special interests, and other campaign finance issues. The GOP wave in 2010 notwithstanding, union spending has been pretty successful at securing Democratic victories. Policy victories, though, have been harder to come by.

Aside from the delay of the Keystone XL pipeline, three other union developments since Obama’s reelection bear mentioning. In December, Michigan, home of the United Auto Workers and long considered an impregnable union stronghold, outlawed union membership as a condition of employment and became a right-to-work state. Even

coming on the heels of recent failures to stop public employee union reform in Wisconsin and the success of right-to-work legislation in Indiana, no one had imagined this happening in Michigan. Public employee union reform was turned back in Ohio—but only after unions spent \$40 million on a scorched-earth campaign that included ads warning modest changes to collective bargaining laws would make it “harder for nurses to give the patients the quality care that they need” and “take us back to the days of Jim Crow.” But if compulsory unionism can’t be defended in Michigan, it’s probably endangered everywhere. Already there’s a movement gaining steam to put a right-to-work measure on the Ohio ballot this year. The days of labor laws being rigged in favor of unions are numbered.

The second development worth noting is that a federal appeals court ruled on January 25 that three of Obama’s recess appointments to the National Labor Relations Board are invalid. While the White House has been quick to give unions short-term political payoffs such as billions in stimulus construction contracts, Obama’s pro-labor appointments to the NLRB were one of the few tangible things the administration had done to deliver long-term structural benefits to unions. Those appointments have now backfired spectacularly.

After helping elect Obama in 2008, unions demanded their own personal fox be appointed to guard the NLRB’s henhouse. Craig Becker, a former attorney for the AFL-CIO and the Service Employees International Union, who had authored a law review article arguing “employers should have no right to be heard” in a wide swath of labor disputes, was to be appointed to the federal body that’s supposed to arbitrate disputes between labor and management. Becker’s appointment was so controversial that his nomination to the NLRB failed in the Senate on a bipartisan vote.

Regardless, Obama installed Becker with a recess appointment. True to form, Becker was behind a flurry of controversial pro-union NLRB

decisions, heard several cases involving his former employers, and even ruled on an NLRB decision despite having filed a brief in the case as a lawyer a few years before. This all led up to his involvement in the Boeing fiasco, in which the NLRB told the aviation giant that it couldn’t open a new plant in right-to-work South Carolina while it was embroiled in a labor dispute in Seattle. In effect, the supposedly impartial NLRB put pressure on a private company to resolve a labor dispute in favor of the union.

Becker’s recess appointment expired, and Obama was facing additional vacancies on the board. With the business community justifiably fearing that Obama would continue to politicize the NLRB, Senate Republicans threatened to block Obama from making recess appointments, denying the board a quorum and hobbling it. There is precedent for blocking recess appointments—when President Bush started making recess appointments after the Democratic-controlled Senate did nothing to approve a backlog of 190 appointees, Senate majority leader Harry Reid retaliated with 30-second-long “pro-forma” sessions on days off so the Senate would technically not be in recess. Bush made no more recess appointments.

Facing threats to have his nominees blocked, Obama made three recess appointments to the NLRB—disregarding whether the Senate was in recess. The federal court’s rebuke was sharp. Allowing such appointments, it held,

would demolish the checks and balances inherent in the advice-and-consent requirement, giving the President free rein to appoint his desired nominees at any time he pleases, whether that time be a weekend, lunch, or even when the Senate is in session and he is merely displeased with its inaction. This cannot be the law.

The court’s ruling also invalidates all of the decisions the NLRB has made in the past year, including hugely significant decisions in which the NLRB overturned a 50-year precedent and ruled that employers have to continue collecting union dues after a collective

bargaining agreement has expired. This gives employers significantly less leverage in labor negotiations and would constitute a major union victory had it been allowed to stand.

The NLRB is moving forward in defiance of the ruling, but questions surrounding its validity and recent history of activism abound. The board risks significant political blowback if it courts more controversy. Republicans have been kicking around a bill for some time that would abolish the NLRB, and there's a strong case to be made for doing just that. The number of labor disputes is no longer sufficient to justify resolving them with a politicized administrative body rather than in the courts. When the NLRB was created in 1935, one in five American workers was unionized. Union numbers, at least in the private sector, have dwindled considerably since then.

As it happens, the latest membership numbers are the third postelection development that augurs poorly for unions. Though union membership has been steadily declining, it dropped steeply last year. Union membership, now 11.3 percent of the workforce, is at its lowest level since 1916, according to Labor Department statistics released in January. Just 6.6 percent of the private sector workforce is unionized. If electing Democrats was supposed to stop the bleeding, it turns out to have been a mere bandage at a time when a tourniquet was needed.

Taken together, these three developments paint a picture of how the political efforts of a professional class of union bosses have failed workers. They spent vast sums on federal electioneering, instead of shoring up local unions and exerting influence at the state level, where they were most vulnerable. And despite Democrats' owing their victories to billions in union dues, union bosses failed to extract meaningful structural changes when Democrats controlled Congress or when the president needed support for his reelection bid. In the end, unions gave Barack Obama everything. Now all they've got to show for it is a second-term president who seems to feel he owes them nothing. ♦

The Guns of Chicago

And the safe sidewalks of New York.

BY HEATHER MAC DONALD

President Barack Obama recently went to Chicago to promote his poverty and gun violence initiatives and actually spoke a good deal of truth. "There's no more important ingredient for success, nothing that would be more important for us reducing violence than strong, stable families, which means we should do more to promote marriage and encourage fatherhood," he said. Reiterating a line from his State of the Union speech, he observed: "What makes you a man is not the ability to make a child; it's the courage to raise one." And though he paid the obligatory tribute to single mothers, he added with remarkable candor: "I wish I had had a father who was around and involved."

What Obama didn't say also came as a relief. In the worst of all possible worlds, he could have trotted out hackneyed poverty and racism themes from the academy—that biased law enforcement and an "epidemic" of incarceration, for example, are harming what would otherwise be law-abiding inner-city communities. Unfortunately, the president's deputies are pursuing policies informed by such ideas behind the scenes, but at least Obama is not putting the power of the presidential bully pulpit behind them.

Had Obama left it at that, he would have made an important contribution to public discourse. But though he rightly recognized the distinction between civil society and government ("When a child opens fire on another child, there is a hole in that child's

heart that government can't fill"), he came to Chicago bristling with big government programs that threaten to cancel out his personal responsibility theme. The administration is promoting an initiative called "Promise Zones," based on a concept that has been endlessly flogged by liberal foundations: that if we can just form "collaboratives" to coordinate the existing morass of taxpayer-funded social service agencies and programs, we will achieve a breakthrough in the self-defeating behaviors that cause poverty today. The Ford Foundation's Grey Areas program in New Haven in the 1960s was a progenitor of this idea (and the seedbed for the War on Poverty); more recently the Annie E. Casey Foundation's New Futures collaborative bombed spectacularly.

Paradoxically, streamlining social service delivery requires adding yet more agencies to the existing mix: The Promise Zones project will involve, inter alia, the U.S. Departments of Justice, Treasury, Commerce, Agriculture, Health and Human Services, Education, and Housing and Urban Development. Cecilia Muñoz, director of the White House Domestic Policy Council, explained the Promise Zones idea to the *New York Times*: "The premise behind this is that the federal government has to be a positive actor in all of this effort—but as an actor who's a partner." Got that? A "partner," not just an "actor."

Actually, Promise Zones are not even new to the Obama administration. Since 2010, the Department of Education has doled out nearly \$100 million to "Promise Neighborhoods" (almost the same thing as Promise Zones) in over 50 cities. Not

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surprisingly, the administration is mum about the results.

The Promise Zones will also give out tax and regulatory breaks to encourage businesses to locate in distressed areas. While it is always gratifying to see liberals acknowledge, however fleetingly, that lower taxes and less onerous regulations are good for economic activity, lower taxes alone do not overcome the disincentive to locate a business in a crime-plagued area.

Obama's other announced anti-poverty initiatives—such as raising the minimum wage and providing universal preschool education—are progressive evergreens whose efficacy is deeply contested, to say the least. But the biggest disappointment in the president's agenda is his unwillingness to move the debate on gun violence beyond the stale polarities of gun control and gun rights. The fact that he chose Chicago as the site for his speech was a tip-off that he would be breaking no new ground.

Though this latest eruption of the gun control-gun rights standoff was triggered by that rarest of all events—an in-school massacre by a nonstudent—the public discourse on gun violence has subtly shifted since the Newtown tragedy to acknowledge (however sotto voce) that the real problem lies elsewhere. An event as thankfully rare as the Newtown massacre is impossible to predict and nearly as difficult to prevent. Both sides in the gun debate have nevertheless seized upon it to promote their favorite cause—whether banning assault weapons or arming everyone to the teeth. The most common gun violence, by contrast, is dreadfully predictable and, unlike mass shootings, the source of thousands of homicides a year. It occurs overwhelmingly in certain locations of cities—over the past 30 years in Boston, for example, 75 percent of the city's shootings occurred in 4.5 percent of its area, whereas 88.5 percent of the city's street segments experienced not a single shooting. Urban shootings are retaliatory or the product of the most trivial of slights. They are committed with handguns, not assault rifles. And both victims and perpetrators

come disproportionately from fatherless homes and communities and are disproportionately minority, by huge margins. Reforming the involuntary commitment laws and beefing up mental health services are largely irrelevant; though the shooters have serious problems with impulse control and are clearly a danger to themselves and others, few would be deemed mentally ill.

While it is unclear how to prevent mass shootings—short of the unlikely event of removing all guns from the public—we know how to reduce urban violence: data-driven, proactive policing. The New York Police Department has brought crime and homicide down an unmatched 80 percent since the early 1990s by deploying officers to locations where crime patterns are emerging, encouraging them to use their lawful discretion to question people about suspicious behavior, enforcing quality-of-life laws, and holding police commanders accountable for crime on their watch.

Gun control has had only a limited

effect on inner-city violence, as the case of Chicago demonstrates. Despite the Windy City's strict firearms bans, juveniles under the age of 17 are killed there four times as often as youth in New York. In 2012, Chicago logged 506 homicides; New York, with three times the population, tallied 418. The difference lies largely in policing. Chicago has historically eschewed proactive policing, and is for that reason still embraced by the left—however incredibly—as a model for law enforcement. Some South Side community leaders, however, know better and are calling for the reconstitution of antigang units just so their officers can stop and question more suspects on the streets.

Whereas Chicago's minority neighborhoods are awash in illegal guns, criminals in New York report leaving their guns at home or stashing them in communal locations to avoid being stopped with a gun on their person. As a result, 10,000 homicides of minority victims have been averted since the early 1990s. And by lowering violence

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and fear, proactive policing has done more to revitalize poor neighborhoods than billions of dollars of government-funded social programs have ever accomplished.

President Obama should have gone to New York City, rather than

Chicago, for his poverty and gun violence speech. If he amplified his marriage and fatherhood message and spread the word about how policing can save lives, he could in fact be the transformative president that his followers believe him to be. ♦

Electing the Next Pope

The race is close, and turnout promises to be high.

BY JOSEPH BOTTUM

The next pope will be Christoph Schönborn, cardinal archbishop of Vienna. The principal editor of the modern Catechism of the Catholic Church, Schönborn was among Benedict's favorite students back when the current pope was a theology professor, and he stands as one of the few high clerics to act heroically during the sexual-abuse scandal. What's more, he urged Benedict to push into retirement the flawed Cardinal Sodano (a man whose career has been repeatedly touched by reports of financial impropriety, however much the old-priests' network tried to shield him). Smart, personable, profoundly devout, Schönborn deserves to be pope.

Except, of course, that no one ever deserves that office beyond all human deserts. For that matter, Schönborn's efforts came to naught, and Sodano successfully fended off retirement. He remains dean of the college of cardinals and will lead the conclave that picks the new pope in the middle of March, which, one imagines,

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rather weakens the 68-year-old Schönborn's chances. "He's simply stepped on too many toes," one Roman cleric explained. Vatican officials will form



Saint Peter's Square, February 17

a third of the conclave: 39 out of 117 members. And while they may respect Schönborn—it was he who, for example, led the effort to elect Benedict in the conclave of 2005—they do not trust him not to reassign them all to missionary work in the Outer Hebrides. *Fire them all, God will know his own* isn't a line most of the Vatican wants to hear from someone newly elected to St. Peter's throne.

Which means the next pope probably won't be Christoph Schönborn,

cardinal archbishop of Vienna. No one ever got rich—or at least, no one since the Borgia pope Alexander VI got rich—betting on the outcome of a Vatican conclave. Not that they don't still try, despite Gregory XIX's 1591 bull excommunicating anyone wagering on papal elections. The British bookmakers, who pride themselves on offering bets for almost everything, have settled on the trio of the Nigerian cardinal, Francis Arinze, the French Canadian Marc Ouellet, and the Ghanaian Peter Turkson as the frontrunners, although all three are odds-against.

Arinze was once the youngest Catholic bishop in the world and, for many years after, among the most obviously papable figures in the church. Those days came and went, however, during John Paul II's long papacy, and the now 80-year-old Arinze has little chance of being elected to replace an 85-year-old pope retiring on the basis of advanced age. Arinze's fellow African, the 64-year-old Turkson, is a charismatic figure, but he is not respected as an intellectual—and perhaps even dismissed as something of a lightweight enthusiast, prone to sound off on matters beyond his knowledge.

The 68-year-old Ouellet is a much more likely candidate. An official in Rome, he is prefect of the Congregation for Bishops, which means he knows, and is known by, both the Vatican bureaucracy and the cardinal archbishops outside of Italy. If he has a weakness at which the conclave will look, it is that his time leading the archdiocese of Quebec was not happy, and he lacks a track record as a successful bishop.

The 71-year-old Cardinal Angelo Scola, archbishop of Milan, could be considered the most obvious candidate: an Italian insider, former professor turned administrator, and a member of nearly every important congregation and council in Rome. Of course, all of that could count against him. The mess of the Vatican bureaucracy must be addressed by the next pope, and the conclave may well decide that the bureaucracy is itself

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the cause of the mess, requiring an outsider to clean it all up.

The odds of a pope from the United States, even New York's Timothy Dolan, are slim to nonexistent. South America, however, may see some interest. The archbishop of Buenos Aires, Jorge Maria Bergoglio, is well respected—enough, anyway, that he emerged as a leading figure in the 2005 conclave that chose Benedict. Although he has firmly rejected any thought of the papacy for himself this time around, he could play kingmaker and persuade the cardinals to elect one of his fellow South Americans: Argentina's Leonardo Sandri (although he's really more of an Italian now, after all his time in Rome), Honduras's Óscar Andrés Rodríguez Maradiaga (whose election would be read as weakening Jewish-Christian relations), or, most likely, Brazil's Odilo Scherer.

The selection of Luis Antonio Tagle from the Philippines would be very good for the church in Asia—the fastest growing area of Christianity, now that the evangelization of Africa is nearly complete. Unfortunately, no other Asian candidate stands out.

The 70-year-old Cardinal Gianfranco Ravasi is president of the Pontifical Council for Culture, and he has emerged in recent years in Europe as a rock-star intellectual, of the kind more common among the French than his fellow Italians. Widely learned, charismatic, and popular—a showman with a live-wire of a mind—he would be superb at many aspects of the job: a John Paul II-style figure. And yet, never having run any large-scale operation, Ravasi could prove a John Paul II figure in another, less happy, sense: ignoring the bureaucracy while he evangelizes around the world and thus further entrenching the deep problems of the Vatican's day-to-day operations.

If one were to bet—but, then, Catholics are prohibited from betting on papal elections. Especially those Catholics who happen to be cardinals flying to Rome for the conclave to elect a successor to Benedict XVI in the middle of March. And their bets are the only ones that count. ♦

Benedict and the Rabbi

A Christian pope on the Hebrew Bible.

BY MEIR Y. SOLOVEICHIK

After Pope Benedict XVI's surprising announcement that he would resign from the papacy, leading adherents of diverse faiths immediately began to evaluate his legacy. Catholic theologians have emphasized the enduring import of the thought of the man who spent most of his life as the theologian Joseph Ratzinger. Jewish leaders, meanwhile, have by and large celebrated the pope's statements against anti-Semitism, promotion of interfaith amity, and the further improvement of Vatican-Israel relations. Yet there is one fascinating aspect of Benedict's legacy that neither side has noted, in which philosophy and interfaith engagement are joined: that he began and ended his papacy by celebrating the Hebraic, traditional Jewish understanding of love and marriage.

Known as John Paul II's doctrinal enforcer who inveighed against a modern "dictatorship of relativism" at his predecessor's funeral, it was expected that his publications as pope would cultivate further controversy. Many were therefore surprised when Benedict began his papacy by issuing the encyclical *Deus Caritas Est* (*God Is Love*), an examination of the biblical notion of erotic love. In this encyclical, Benedict began by noting that much of religious thought tends to draw a sharp distinction between *eros*, the "love between man and woman which is neither planned nor willed,

but somehow imposes itself upon human beings," and *agape*, the term taken to mean spiritual, benevolent, generous love. Benedict notes that some Christian thinkers have rejected *eros* as selfish and physical, and that Christianity in the past has been criticized as having been opposed to the body; he admits that "it is quite true that tendencies of this sort have always existed" in Christian thought. What can cure Christianity of this mistake, he shows, is a deeper study of the Hebrew Bible's description of love. The Hebrew Bible, while firmly opposing pagan sexual practices, nevertheless celebrates man's and woman's desire for each other as divinely designed. To engage in utter rejection of *eros* would be to divide the physical and spiritual, the body and soul, which only together constitute the essential identity of human beings:

Man is truly himself when his body and soul are intimately united; the challenge of *eros* can be said to be truly overcome when this unification is achieved. Should he aspire to be pure spirit and to reject the flesh as pertaining to his animal nature alone, then spirit and body would both lose their dignity. On the other hand, should he deny the spirit and consider matter, the body, as the only reality, he would likewise lose his greatness. . . . [I]t is neither the spirit alone nor the body alone that loves: it is man, the person, a unified creature composed of body and soul, who loves. Only when both dimensions are truly united, does man attain his full stature. Only thus is love—*eros*—able to mature and attain its authentic grandeur.

Under this understanding, *eros* and

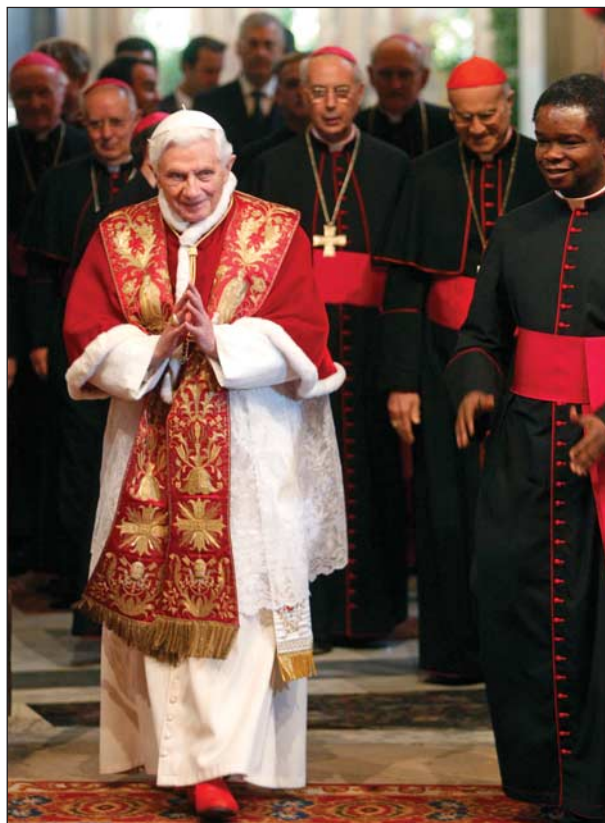
Meir Y. Soloveichik is director of the Straus Center for Torah and Western Thought at Yeshiva University and associate rabbi at Congregation Kehilath Jeshurun in Manhattan.

agape are not opposites; rather, in marriage, they complement each other, with *eros* serving as the foundation for *agape*. In seeking a term that implies the sanctification and elevation of the erotic impulse, the pope emphasized a Hebrew word for love, *ahavah*, at the heart of a biblical book. “How,” Benedict asks, “might love be experienced so that it can fully realize its human and divine promise? Here we can find a first, important indication in the *Song of Songs*, an Old Testament book well known to the mystics.” In this book, a searching lover finally finds his beloved, and discovers, in Benedict’s reading, the importance of love beyond one’s self. The ideal of *ahavah*, for Jewish scripture, is marriage, in which man and woman’s natural urge for each other become sanctified not by denying their natures but by directing their love toward each other. Here, Benedict turns to the first story in the Hebrew Bible.

The biblical account thus concludes with a prophecy about Adam: “Therefore a man leaves his father and his mother and cleaves to his wife and they become one flesh” (*Gen. 2:24*). Two aspects of this are important. First, *eros* is somehow rooted in man’s very nature. . . . The second aspect is equally important. From the standpoint of creation, *eros* directs man towards marriage, to a bond which is unique and definitive; thus, and only thus, does it fulfill its deepest purpose. Corresponding to the image of a monotheistic God is monogamous marriage. Marriage based on exclusive and definitive love becomes the icon of the relationship between God and his people and vice versa.

Benedict then turns to more particularly Christian aspects of religious thought, but the encyclical is remarkable for its sensitive philosophical and exegetical engagement of Hebraic ideas. Let us now

flash-forward to 2012, and the pope’s annual Christmas address to the Roman Curia. The world’s one billion Catholics did not know—but Benedict undoubtedly did—that this would be the last Christmas address he would deliver as the leader of the Catholic faith. In his speech, Benedict defended the age-old definition



Pope Benedict XVI, with the Vatican diplomatic corps

of marriage as the union of man and woman. This of course is unsurprising; yet what was unexpected is that the pope chose to do so by citing another European religious leader, one who is not a bishop or cardinal, but rather the chief rabbi of France, Gilles Bernheim. In a recent lengthy essay defending his opposition to same-sex marriage, Bernheim stressed the importance of the *Genesis* account in teaching us philosophically about the nature of marriage and identity, and emphasized the ideal of a child being raised by both father and mother. Benedict referred to Bernheim’s essay as “profoundly moving” and cited it extensively in his address.

This elevated Bernheim’s document from an essay written on behalf of French Orthodox Jewry to a statement studied by Catholics all over the world. Because it was written in French, many Orthodox Jews around the world knew little about it. Yet after Benedict’s address, Bernheim’s piece was read and translated by Ralph Hancock, a political philosopher at Brigham Young University, and thereby made available to Jewish thinkers everywhere. Recently published in *First Things* magazine, Hancock’s translation can be read at firstthings.com.

Let us consider, in summation, this remarkable turn of events. A rabbi, writing in Paris, defends Judaism’s traditional notion of marriage. This essay is read and cited in Latin by a Catholic leader and thinker in Rome, who from the very beginning of his papacy exhibited a deep interest in Jewish thinking about love and marriage. The pope’s endorsement thereby leads to the translation of the essay by a Mormon philosopher living in Utah. The essay is then exposed to diverse communities of faith in the English-speaking world.

All eyes now turn to the conclave of cardinals who

will select Pope Benedict’s successor. One of the questions the cardinals will unquestionably consider is which Catholic leader can most eloquently and effectively defend a traditional moral worldview that is no longer taken for granted in the West. Members of other faiths are equally concerned with this task, and one of the lessons of Benedict’s writings is that different religious communities can learn from each other in this moral and philosophical endeavor. As such, the statements and encyclicals that bracketed this brief but important papacy are a possible sign of more enduring intellectual interfaith engagements yet to come. ♦

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The American Way with Guns

Our national story is firearms all the way down

BY GEOFFREY NORMAN

Among the guns I own, my favorite is a Pennsylvania long rifle made for me by an old friend. It is a flintlock, shoots a .50 caliber ball, and uses black powder. The wood is rich, sinuous, curly maple. The trigger guard and butt plate are brass. It is a beautiful piece, and only the most ardent anti-gun zealot could resist its palpable appeal. First you admire it, then you want to hold it, and next you feel the urge to put it up to your shoulder and fire it.

And it shoots. Oh, Lord, does it shoot. I'm competent with it but the man who made it can really shoot, and he is good out to 300 yards with that rifle. I'm comfortable out to 100.

As seductive as that gun is to shoot, its legend is even more appealing. "That's a purely American gun," the man told me when he gave it to me. "We beat the British with guns like that. Shot their dolled-up officers at 200 yards. They thought it was unsporting."

The rifled musket was, indeed, a game-changer in the American Revolution, even if it was not quite as decisive as some have made it out to be. American gunsmiths were not the first to cut grooves into the barrel of a musket, thus putting spin to the lead ball it shot. The spin imparted stability to the ball in flight and improved accuracy over the smoothbore by orders of magnitude. German gunsmiths were the first to employ the technique. German immigrants brought it with them to the New

World and made the refinements and improvements that became the Pennsylvania (or Kentucky) long rifle and so famously knocked General Simon Fraser out of the saddle at Saratoga and, a few years later, dropped rank after rank of British troops carrying smoothbores that left them out-ranged and vulnerable to Andrew Jackson's men at New Orleans. As usual, the British were brave but slow to learn.

The long rifle was the essential American tool on the

frontier of that time. But it was, of course, *just* a tool. What made it decisive and mythic was the skill of the users. There is a ritual you follow when loading and shooting a long rifle. You measure the powder, carefully and exactly, and pour it down the muzzle. You tap the rifle with the heel of your hand, just above the trigger, to make sure the powder is seated evenly. Then you wrap a ball in a cloth patch which is placed over the muzzle, drive the ball into the barrel with a short starter, and push it all the way home with the ramrod. You cock the hammer, open the frizzen, put a little powder in the pan, close the frizzen, go to full cock. Finally, aim, pull the trigger, and hope that you've got a nice edge on your flint so



A reenactor's long rifle

that you get a spark and ignition.

It is easy to go wrong; to spill powder or measure it incorrectly; to get the thing out of sequence and ram the ball home before pouring the powder. It takes steady hands, and one can imagine that it took exceedingly steady nerves on the battlefield. But a good man could get off three shots in a minute. And after two or three minutes, the barrel would be fouled and he would have to clean it.

So while the long rifle delivered—on the hunt and on the battlefield—it made its own demands. A man had

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GREG DALE / NATIONAL GEOGRAPHIC SOCIETY / CORBIS



A Revolutionary-era rifled musket

to measure up. He had to master the skills and he had to know how to shoot, which meant more than just knowing how to load, aim, and pull the trigger. He had to know yardage and windage. Had to know how a ball shot from his rifle would fly, all the way out to 300 yards. Like Daniel Boone, who drilled a British officer in the head with a shot that was later walked off at 250 yards.

Hard to imagine anyone thinking of Boone as a “gun nut.” Whatever feelings he had for the long rifle he carried, they were not of a disturbed and pornographic nature. Quentin Tarantino’s emotional relationship with guns is more unhealthy than Boone’s was.

Those who speak contemptuously of a “gun culture,” who imagine a fondness for guns to be some defective strand of genetic code to be rooted out of the national character, don’t know what they are up against. Guns are essential to the American story—good guns and the people who knew how to make them and how to use them.

Not many years after the American Revolution, firearms, like most things, began to be produced in mass, on assembly lines. The manufacturing of guns, as much as any product, drove the American Industrial Revolution, especially in the Connecticut River Valley.

It was here that Eli Whitney refined and realized his breakthrough idea of manufacturing interchangeable parts. This meant that a gun would no longer be the work of an individual or small shop and every gun would no longer be a one-off.

To demonstrate the advantages of standardization and to secure government contracts, Whitney traveled to Washington, carrying the parts for 10 separate muskets. He put the parts into piles before the secretary of war and proceeded to assemble 10 muskets from parts randomly selected from the piles.

The secretary was impressed.

After Whitney’s breakthrough, other makers began producing guns, parts for guns, and ammunition in the Connecticut River Valley; so many that it became known, in time, as “Gun Valley.” The list makes for a kind of roll call of the great makers of American guns: Colt, Winchester, Smith & Wesson, Sharps. In the second half of the 19th century, some 300 firms were building firearms or their parts in the Connecticut River Valley.

It is fair to say that it was here that Americans showed

the world how to make things—good quality things in great numbers at prices that made them affordable. A plant in, of all places, Windsor, Vermont, was turning out muskets by the hundred during the war with Mexico. The plant upped production during the Civil War and supplied the government with thousands of muskets at a price of less than 20 dollars each.



Delaware musketry at the Battle of Long Island

Eli Whitney’s company, the first of the Connecticut Valley manufacturers, survived his death in 1825 and was eventually acquired by one of the iconic names in the history of American arms: the Winchester Repeating Arms Company of New Haven. The Winchester brand is remembered for many things, not the least of which is the “gun that won the West,” a lever-action rifle known as the Model 1873, which was shortened to Model 73. Buffalo Bill carried one and called it “the Boss.”

There is a lot of romance around the 73. The lever action was something that enabled Hollywood actors to do some fancy business, working it one-handed or rapid fire and making a big impression on the kids who wanted BB guns that looked like the rifles they saw the cowboys use in the movies. The Daisy Outdoor Products company obliged them by producing something called the “Red Ryder carbine,” after a Saturday matinee cowboy character.

TOP, GETTY IMAGES; CENTER, CORBIS

The Winchester 73 was an essential element in the life of the American West and, less remembered and certainly less romanticized, also in the lives of those who built it in the factories back East. They worked long hours, six days a week, in conditions that would be considered beyond harsh today. They turned out those rifles by the thousand and they made about \$600 a year in factories that became the envy of the world.

If the Model 73 was the iconic cowboy rifle, then the Colt Peacemaker was the coeval handgun. The famous six-shooter was also introduced in 1873 and became a part of the furniture of movie and television westerns and was replicated in millions of cap pistols. It has become the Platonic ideal of the revolver and is still being made and shot by aficionados and buffs and reenactors.

The name “Colt” became more or less synonymous with the word “revolver” and fittingly so. Samuel Colt of Hartford, Connecticut, came up with the idea of the revolver while barely a teenager and at sea, where he had gone after being expelled from school in Amherst. He returned from his time before the mast with a wooden model of the gun.

Many years and one bankruptcy later, he signed a contract with the Army. The nation was at war with Mexico, and General Zachary Taylor wanted his men armed with revolvers. Colt had made and sold a few before his business failed, and he’d had the foresight to hang on to his patents but not much else. Still, he had brass and he met the contract. Soon, he had built a thriving factory in Hartford and was so successful and famous that he was invited to address a committee of Parliament in London, where they weren’t doing as well at making guns as people like Colt, on the other side of the Atlantic.

Sam Colt told Parliament that he would be ashamed to produce anything like what the British were turning

out, and that he was not especially impressed with the supposedly superior skills of British craftsmen.

“I began here by employing the highest-priced men that I could find to do difficult things, but I had to remove the whole of these high-priced men. Then I tried the cheapest I could find, and the more ignorant a man was, the more brains he had for my purpose; and the result was this: I

had men now in my employ that I started with at two shillings a day, and in one short year I cannot spare them at eight shillings a day.”

His audience had the good judgment to take the impertinent American seriously. Parliament sent a committee to visit his plant and then replicate it as the Royal Small Arms Factory in Enfield.

Colt died in 1862, at the age of 47, leaving behind a thriving business in Connecticut and an immortal firearm.

In common with the names Colt and Winchester is a third, Browning, which is also indispensable to an appreciation of America’s history with guns. Browning designed them. Colt and Winchester made them. And Americans loved them.

John Browning was the Thomas Edison of American arms. He was a

man of tireless imagination who held 128 patents when he died in 1926 at the age of 71. Browning became fascinated by guns and their operation when he was very young; he could take them apart, repair, and rebuild them when he was still just a boy. One of his early efforts came into the hands of a senior vice president at Winchester who was so impressed that he traveled from Connecticut to Ogden, Utah, to meet with Browning. The visit spawned a collaboration that yielded some 40 Winchester guns. In one famous episode, Winchester challenged Browning to come up with a replacement for the aging Model 73 in less than 30 days. If



A 19th-century Colt .45



Winston Churchill, Dwight Eisenhower, and Omar Bradley firing M1 carbines, April 1944

ABOVE AND OPPOSITE: NEWSOOM

he succeeded, he would be paid \$20,000. If not, the company got whatever his work had produced and paid him nothing. Browning made the deadline, easily, with the Model 92, which was the rifle that was, in fact, favored by a lot of movie cowboys, to include John Wayne.

But the most famous of the many legendary Browning creations is a Colt: the .45 caliber pistol known as the 1911, which became a ubiquitous element in the American military from the time it was introduced until it was replaced, by a Beretta 9 millimeter for reasons that still seem flimsy, in 1985.

The 1911 is solid, tough, dependable, easy to take apart and clean, and beautiful in an exceedingly unlovely way. It is as American as Coca-Cola. The legend of the 1911 is vast. The gun was even said to have been used by an American aviator whose plane had been shot up in a dogfight. He was hanging in his parachute and his Japanese enemy was coming back to strafe him. So he took out his pistol and shot down the Zero. Hard story to check, but the fact it was ever told says a lot about that pistol.

Browning's name is not attached to his masterwork. But there are Browning automatic shotguns, and millions of old soldiers and Marines remember the Browning Automatic Rifle—the BAR. When asked to develop this weapon, on a crash basis during World War I, Browning took the job for a nominal fee. His partners objected, saying he should have charged many times what the government had offered. Browning, who was in his sixties at the time, said, “Yes, and if we were 15 or 20 years younger, *we'd* be over there in the mud.”

Among Browning's many innovations is the slide-action shotgun, which he created for Winchester as the Model 97. You do not have to know much about firearms to know what a “pump gun” is. Movie people love it for the ominous *snick snick* sound the action makes. In countless scenes, the bad (or good) guy works that action just before he blows someone away or, possibly, just to let someone know he is there and prepared to shoot. (I always wonder why the shooter doesn't already have one in the chamber, but that's just me.) That *snick snick* is like

the buzz a rattlesnake makes when it is about to strike. John Browning could have made himself even richer if he had been able to patent that sound.

The original pump gun evolved into the Model 12. Winchester made over two million of them. I own two.

It isn't a beautiful gun in the way that the Pennsylvania long rifle is. But it breathes quality and dependability, which is what it was always famous for. Model 12 owners have long bragged about the thousands of rounds their guns have fired without malfunctioning. You can take it apart easily enough, and if you keep it clean it will not let you down. And there is, admittedly, something deeply

satisfying about that *snick snick* sound it makes when you operate the slide, though you don't really notice it when you are in a duck blind.

There isn't anything especially sinister about the gun. It is wood and steel. It was made in Connecticut, more than 50 years ago, by people who were skilled with machine tools. That was a time when, if you put the words “Connecticut” and “guns” together, it did not evoke horror but industry and prosperity.

I like the gun because it is simple and reliable and, above all, like that Pennsylvania long rifle given to me by my friend, it is

undeniably *American*. And since two million like it were made and sold, lots of people must have been as satisfied by them as I have been.

A few years ago, a friend who was visiting saw that gun in the rack and said he remembered owning one like it when he was a kid, growing up on the Eastern shore of Maryland. “I wanted that gun more than anything in the world. I saved every dime I made doing odd jobs and working in the summer until I finally had enough to cover the price. My dad had taught me the shooting and the safety, and now I had my own gun and, you know, on the opening day of duck season, I went to the marsh and when it was time to go to school, I took the gun with me. I left it in my locker, all day, and took it home with me after school. Lots of the boys I went to school with did the same thing. Can you imagine?”

No. And that's a shame. ♦



American infantry in World War II with a watercooled Browning M1917A1 machine gun

The Other Iraq

Kurdistan prospers, even as pressure from Baghdad grows

BY DAVID DEVOSS

Two years after the self-immolation of a street vendor protesting police corruption in Tunisia, the promise of the Arab Spring remains unrealized. Instead of ushering in an era of stable self-determination, much of the Middle East remains in disarray. Syria is in flames, Egypt almost ungovernable. Libyan terrorists responsible for the Benghazi massacre are still at large, and Tunisia soon could have its second government in as many years.

In Iraq, more than 50 people a week continue to die violently, while the Shia government of Prime Minister Nuri al-Maliki grows more authoritarian by the day. As America approaches the tenth anniversary of Operation Iraqi Freedom on March 20, however, Washington can take pride in one shining success: Iraqi Kurdistan.

Northern Iraq's three Kurdish provinces—Dahuk, Erbil, and Sulaymaniyah—are the country's safest and most prosperous. The semiautonomous area has an economy growing 12 percent a year and a per capita GDP that is 50 percent higher than the rest of the country. In a clear sign of its growing importance, the region now hosts 25 consulates and foreign representations, seven universities and two international airports. Some 1,500 Turkish companies already have taken advantage of the stable business environment, along with 50 multinationals including Exxon, Total, Chevron, Hunt Oil, and John Deere.

Compared with Baghdad, where security concerns adversely impact private investment, Kurdistan's financial capital of Erbil (home to 1.5 million) is developing rapidly. The city adds a new five-star hotel nearly every year. Modern shopping malls are full of families who indulge

children in game arcades and snack at American fast-food restaurants. These establishments would be targeted as anti-Islamic if they existed in Arab cities to the south.

Passenger traffic at the city's \$550 million airport has increased 37 percent between 2011 and 2012. New arrivals have plenty of choices when it comes to residential housing. Lebanese contractors are building Dream City, a 1,200-unit development that boasts a New York-style steakhouse. Another Turkish company is selling modern condominiums in an area called Naz City. Three new satellite suburbs contain schools, supermarkets, and police stations. English Village has 400 homes ranging in price

from \$130,000 to \$160,000, all of which sold more than a year before completion. Tree-lined streets meander through Italian Village close to the airport. American Village is an \$80 million development where a 3,500-square-foot home sells for \$160,000 and \$585,000 will buy an 8,600-square-foot palace.

Erbil's newest neighborhood is The Atlantic Villas & Apartments, a \$160 million mixed-use development by the Claremont Group, a New York construction company. It is scheduled for completion this fall, and more than a third of the 1,543 townhouses and apartments have already sold. "Erbil is an excellent place to build because the Kurds really want U.S. investment," says Stephen Lari, Claremont's head of overseas relations, who also has approval to build a 196-room Hilton Doubletree Suites costing \$35 million.

"The Kurds believe the more foreign investment they attract, the less likely Baghdad will be to interfere," Lari explains. "They want Kurdistan to become too big to fail."

That Iraq even has a Kurdish population is due largely to the efforts of President George H.W. Bush, who launched Operation Provide Comfort in 1991 to halt Saddam Hussein's genocidal attacks on the Kurds. Saddam's war of extermination began three years before, when he sent his cousin, Gen. Ali Hassan al-Majid, to destroy the town of Halabja. Ali blanketed the area with deadly Sarin gas, which killed 5,000 Kurds and enfeebled 6,000 others. To



In Erbil, it is indeed.

David DeVoss recently returned from four years in Iraq, where he served as communications director on a \$192 million provincial economic growth program.

make the devastation complete, he then systematically reduced Halabja to rubble and forced survivors to walk north to a barren settlement whose newly bulldozed streets were shaped to resemble Saddam's initials. The genocidal attack earned him the nickname "Chemical Ali."

Coming in the wake of Bush's Desert Storm victory in Kuwait, Operation Provide Comfort prevented the Kurds' annihilation by supplying humanitarian assistance and establishing a "no fly zone" for Iraqi aircraft. Bush's intervention, reinforced six years later by President Bill Clinton's Operation Northern Watch, kept Saddam's air force out of Kurdistan for 12 years and effectively made the region autonomous from the rest of Iraq.

But America's involvement was not limited to military activity and humanitarian aid. Washington urged northern Iraq's two leading political parties to stop fighting each other, and in 1998 the Kurdistan Democratic party in Erbil and the Sulaymaniyah-based Patriotic Union of Kurdistan laid down their weapons and agreed to share power in a unified Kurdish Regional Government (KRG) opposed to Saddam. This alliance remains intact. In the Kurdish cabinet, each minister has a deputy from the other party.

When Lt. Col. Harry Schute landed in Kurdistan in April 2003 to head a U.S. Army civil affairs battalion, he was greeted with flowers. "I felt like a soldier driving through France at the end of World War II," he remembers. "Cheering people lined the highway in every village we passed. Restaurants in Erbil refused to let us pay for food."

The following year, when I traveled to Erbil to inspect a water purification plant built by the U.S. Agency for International Development, I casually referred to America's "invasion" of Iraq. "It was no invasion," a Kurdish engineer traveling with me responded. "For Kurds, the arrival of the U.S. Army was a liberation."

Iraq's Kurds have a rich history. Saladin, the great Islamic commander who dealt the European Crusaders a decisive defeat in 1187, was a Kurd. But under Baath party rule, Kurdish culture was reviled. All books in

Kurdish were removed from the libraries of northern Iraq and burned. Arabic became the language of instruction in Kurdish schools. The burial monuments of famous Kurds were plastered over and re-engraved in Arabic script. When Saddam's Republican Guard retreated from the region in 2003 it poured cement in water wells as it went.

Kurdistan today calls itself "The Other Iraq," and in many ways it does resemble a separate country. The Kurdish provinces have their own parliament, investment policy, and customs regime. Passengers arriving on flights from Baghdad must go through a Kurdish passport control despite

the fact they're still in Iraq. Sectarian militias that prowl the rest of the country find no foothold here. Kurdistan has its own army, the Peshmerga ("those who face death"), that keeps the region free of al Qaeda. The national government in Baghdad is as rancorous as that in Washington, D.C., while the Kurds maintain the unity they promised the United States in 2006 and meticulously share power throughout the government.

Indeed, the Kurds were so thankful for the assistance received from the George W. Bush administration that they paid for a massive "Thank you, America" campaign in 2006. The videos from that campaign still are posted on the Internet (youtu.be/NyrStaIoh-w).

"America makes mistakes, but it's important for Americans to know that we can do a lot of things right," says

Douglas Layton, a 62-year-old entrepreneur who is writing a book called *When America Gets It Right: The Kurdish Miracle*. Back in 1991 Layton helped resettle Kurdish refugees in Nashville. Today he operates The Other Iraq Tours, a company that takes adventurous travelers to places like Gaugamela, the site of the 331 B.C. battle where Alexander the Great defeated Persian emperor Darius III.

"The Kurds are just different," he says. "They are pro-American and have no antagonism against Israel. I think it's because the United States protected them for more than a decade. It was an opportunity southern Iraqis didn't have."

There was no protection for the Kurds at the end of World War I when Europe carved up the Ottoman Empire



Inside a shopping mall—Christmas tree and all



Fruit vendors in Sulaymaniyah, when told that their visitor was a Texan, gave a thumbs-up: 'We love Americans.'

and denied them a nation. Today the region's 35 million Kurds are scattered. Approximately 18 million live in Turkey, with some 2 million in Syria, 8 million in Iran, and 7 million in Iraq.

Because of its stability and growing prosperity, Iraqi Kurdistan now serves as both a homeland for the Kurdish diaspora and a refuge for persecuted Christians. Since 2003, some 15,000 Christian families have been forced to flee central and southern Iraq. Though some went to Europe, most reside in Iraqi Kurdistan, where they are joined by a growing flow of Kurds from Iran.

According to the KRG's Bureau of Migration and Displacement, 250 Kurdish families, or about 1,500 people, move from Iran to Kurdistan every year. Last year they were joined by 2,400 Kurds from Europe who returned under the International Office of Migration's voluntary repatriation program or with assistance from France and Sweden. The migrations underscore the repression Kurds face in Mahmoud Ahmadinejad's Iran as well as the promise of northern Iraq's economy.

Many new arrivals settle in the mountain town of Soron, an hour's drive from Erbil. Soron has 125,000 residents, 64 percent of whom are refugees from Iran. In part because Kurds are fleeing Iran so rapidly, Soron's population is expected to grow by 50,000 over the coming decade.

Although she was born in Iran, Fatima Ahmad couldn't obtain Iranian citizenship because her parents were Iraqi Kurds. "I was alive but had no life," she explains. "I couldn't own property or get a passport. I couldn't even travel inside the country without police permission."

So four years ago Fatima stuffed everything she had into one suitcase and walked across the border into Iraq. Two microfinance loans backed by the United States allowed her to start a profitable beauty salon. "One thing I know for certain," she smiles. "I never would have gotten a microfinance loan in Iran."

Much of Kurdistan's rapid economic growth is due to the problems suffered by the rest of Iraq, which is crippled by bureaucratic ineptitude, widespread corruption, adherence to central planning, and a refusal to embrace international business norms. These and other frustrations prompted Exxon and Chevron to invest around \$10 billion in Kurdistan, but Baghdad says the KRG has no authority to export oil or sign exploration contracts. As

a consequence, petroleum companies must abandon the Kurds if they want to do business in Iraq.

No longer is Baghdad's Shiite government willing to negotiate the fate of disputed lands outside Kurdistan's three home provinces. Neither will it cede control of the oil under the areas the Kurds control. According to the 2005 constitution, 17 percent of Iraq's federal budget should be directed to the Kurds. Baghdad wants to unilaterally lower that share to 12 percent. In the past, the United States helped mediate disputes, but now Baghdad no longer wants Americans present during bilateral negotiations.

Despite the snub, the Obama administration appears to support Baghdad in the hope Maliki's Shiite administration will restrain Iran's ayatollahs. Given Iraq's Shiite revival and the support Maliki already has extended to Syrian president Bashar al-Assad, it appears the Obama administration may be willing to sacrifice Kurdish autonomy in return for illusory strategic leverage.

The Iraqi prime minister is in no mood to compromise. Three months ago, Maliki moved part of Iraq's army into Kirkuk, a disputed province widely regarded as part of the Kurdish homeland. With two armies in artillery range of each other, the Kurds are seeking a diplomatic solution. "We have studied the question of independence and concluded that the Kurdish region is best served as a loyal part of Iraq,"

former Kurdish prime minister Barham Salih told a group of Western aid workers early last year. In contrast, Nuri al-Maliki seems to be preparing for war.

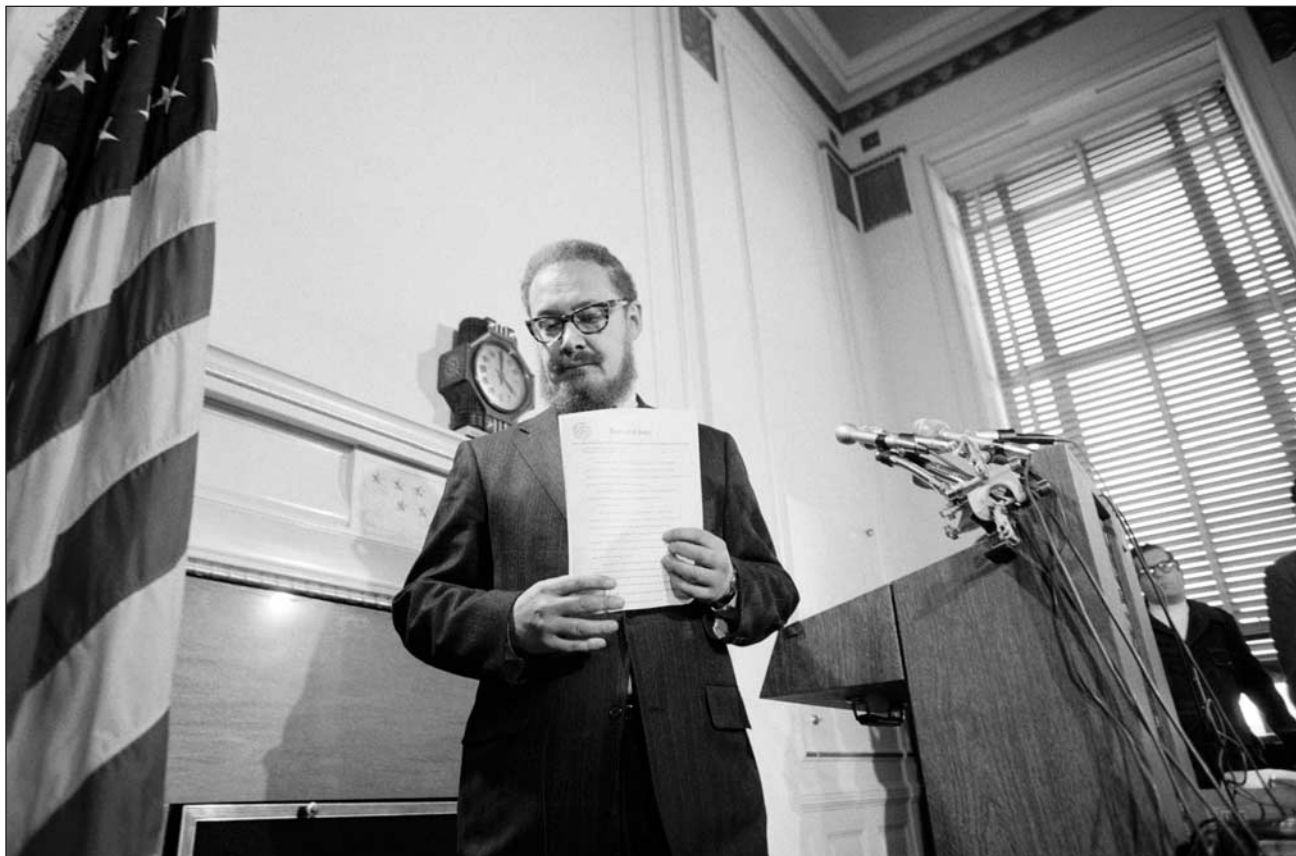
Last year, Iraq took final delivery of 140 American M1A1 Abrams tanks. The total cost of the tanks was \$860 million, but Washington discounted the price so that Baghdad only had to pay \$800 million. The savings helped Baghdad initiate a second purchase of 36 F-16 fighters, each costing \$126 million. As part of the deal, Iraq will receive 100 Sidewinder heat-seeking air-to-air missiles, 150 Sparrow radar homing missiles, and 40,000 rounds of 20mm auto cannon ammo.

For more than two decades, America nurtured the Kurdish revival. Is it today inadvertently planting seeds of future instability? That's what some Kurds are starting to fear.

A quarter-century ago, Iraq's Kurds faced extermination at the hands of a more heavily armed Iraqi Army. Today, the KRG's Peshmerga is better equipped, but it still is no match for a sophisticated 1.2 million-man army from Baghdad. ♦



Museum archivist Kishwar Malawd shows materials recalling Saddam Hussein's Sarin gas attack of 1988—as well as 'the rope used to hang Chemical Ali in 2010.'



Solicitor General Bork at the Justice Department, October 22, 1973

Servant of the Law

The experience, and good sense, of Robert Bork. BY J. HARVIE WILKINSON III

The death of Robert Bork this past December brought forth tributes to a man bearing no resemblance to the grotesque caricatures that emerged during the long debate over his 1987 nomination to the Supreme Court. Widely noted were his unswerving loyalty to friends and principles, his seminal intellect, his acerbic but not unkind humor and wit, and his lifelong sense of service and duty to his country.

J. Harvie Wilkinson III, who sits on the Fourth U.S. Circuit Court of Appeals, is the author, most recently, of Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance.

Saving Justice

Watergate, the Saturday Night Massacre, and Other Adventures of a Solicitor General

by Robert H. Bork
Encounter, 200 pp., \$23.99

Yet his life will never be free from the controversy that trails those who actually have something to say. The dust jacket of this book, a memoir of his service in the Nixon administration, shows a young Bork with cigarette in hand and his trademark red beard. Had he stopped smoking and started shaving, some things might have turned out better for him; but then again, that wouldn't have been Bob. His

willingness to buck convention was his strength. He lived life on his terms.

The enigma that was Richard Nixon will always tantalize historians. Bork's view of him is largely respectful, but also clear-eyed. Nixon possessed the gift of high intelligence, and was capable of penetrating strategic insights, especially in foreign affairs. He was also insecure and paranoid. The tragedy of it all was that these latter traits seeped down into his administration, with well-known consequences.

Bork recounts meeting with his friend, Yale law professor Alexander Bickel, to mull over an offer from the White House that Bork resign his position as solicitor general and take charge of Nixon's Watergate defense.

BETTMANN / CORBIS / AP IMAGES

He and his wife Claire “collected Bickel and turned around to head home.”

When we reached our street, Turkey Run Road, I suggested that Claire stop the car so Bickel and I could get out and walk the dark, semi-rural road home. It’s an indication of the paranoia of the time that I really wanted to be someplace where it was impossible to be overheard.

On another occasion, Bork and Attorney General Elliot Richardson visit the White House to discuss the timing of indictments against Vice President Spiro Agnew for taking bribes. The two duck into the bathroom on the way to the Oval Office, and “as soon as the door to the men’s room closed behind us, Richardson turned on all the faucets in the expectation that the noise of running water would make our conversation inaudible if anybody was eavesdropping electronically.”

Good grief! Granted that Washington is a city of schemers, how is government to function at this level of mistrust? The idea that such precautions may have actually been necessary is all the more unsettling. The entire “atmosphere and the level of distrust” in the Nixon White House had, in Bork’s view, “an air of low comedy about it.”

Bork served both Nixon and Gerald Ford as solicitor general, an office within the Department of Justice which possesses both high prestige and a dual personality. The solicitor general’s chief, though not sole, duty is to represent the government before the U.S. Supreme Court. Both the solicitor general and his principal deputy are political appointees, and the office thus naturally reflects an administration’s priorities. But if the office becomes too closely entwined with the president’s political agenda, it forfeits its claim to neutrality under law and its very credibility before the Court.

Bork was not, by nature, a political animal. He had a high opinion of democracy as a system but a rather low opinion of politicians as a breed—an attitude that unfortunately was not sufficiently disguised in his Senate confirmation hearings. Bork spent

much of his life trying to separate law from the corrupting influences of politics. When he became solicitor general in June 1973, he understandably anticipated a job that would be any great lawyer’s dream.

The irony was that events thrust this politically pristine soul into the most politicized environment a solicitor general had ever experienced. As Bork puts it, he had to

respond to Supreme Court Justice William O. Douglas’s order that our military stop bombing in Cambodia, file briefings for the prosecution of Vice President Spiro T. Agnew for taking bribes while governor of Maryland, discharge Archibald Cox as special prosecutor in the Watergate affair, and secure the continuity of the Watergate investigation until we found a replacement for Cox. Thankfully, I was spared from dealing with the Yom Kippur War in the Middle East, which occupied others in the administration at the time.

The book recounts meetings with Nixon, Agnew, White House Chief of Staff Alexander Haig, and numerous other Justice Department officials and political functionaries who constantly drew Bork away from his preferred legal briefs and arguments.

That the ostensibly apolitical Bork survived the political turbulence of Nixon’s last months and days was no mean accomplishment. He did so because he had the good sense to avoid compromising situations, and because he sized up people well. As to top Nixon aide John Ehrlichman: “Whenever I saw him he lifted his chin, giving me a Caesar-like profile.” Other Nixon officials are accurately described; for example, Attorney General Richard Kleindienst coming in for praise, or Chief of Staff H.R. “Bob” Haldeman leaning over the balcony of a hotel room and yelling to an assistant, “Halt, aide!”

The centerpiece of this book is what has come to be called the Saturday Night Massacre. The events leading up to it are well known. Attorney General Richardson, almost as the price of confirmation, was pushed

to nominate a special prosecutor to investigate the Watergate affair. The appointment of Harvard law professor Archibald Cox incensed Nixon, for Cox had been John F. Kennedy’s solicitor general and was closely connected to the president’s implacable foe, Senator Edward Kennedy. As the investigation proceeded, tensions between Nixon and Cox only grew, until, on October 20, 1973, Nixon and Haig asked Richardson to fire Cox. Richardson refused and resigned. The deputy attorney general, William Ruckelshaus, refused as well, and tendered his resignation.

As solicitor general, Bork was next in line. Amidst the gathering chaos of that Saturday evening, the old Marine stepped in and recognized that some semblance of order had to be preserved.

The conventional list of Watergate honorees is familiar. It includes, in addition to Richardson: Ruckelshaus; special prosecutors Cox and Leon Jaworski; Senate Select Committee on Presidential Campaign Activities members Sam Ervin and Howard Baker; the House Judiciary Committee Republicans who voted for impeachment; John Sirica, who, as chief judge for the U.S. District Court for the District of Columbia, ordered Nixon to turn over his tape recordings of White House conversations; and the members of the Supreme Court, who vindicated the principle that American presidents are not kings but subjects of the given law.

Including White House counsel John Dean and investigative reporters Bob Woodward and Carl Bernstein on the list may be more controversial, but they, too, played their part in ending what were serious abuses of executive power in the Nixon White House.

The problem is not that the conventional Watergate honor roll is somehow wrong, but that it is woefully incomplete. Honorable as their intentions were, these individuals and institutions proceeded with complete assurance that any actions against Nixon would meet sustained applause from the precincts of elite opinion, which harbored a lifetime of assorted grievances against the president. (These

would include his aggressive anti-Communist campaigns against Jerry Voorhis and Helen Gahagan Douglas, his unceremonious exit from his 1962 California gubernatorial defeat, the Alger Hiss affair . . . take your pick.)

But Gerald Ford and Robert Bork had exactly the opposite expectation. Ford knew, in pardoning Nixon, that the public would be outraged and conclude that a deal had been struck. Bork knew that, in firing Cox, he would be blasted for attempting to promote his chances for attorney general or the Supreme Court. Yet Bork understood well enough the sacrificial nature of his act. After the firing, he writes, he got into his Volvo for a ride toward “oblivion,” wishing that “circumstances had allowed me to make the Massacre a murder-suicide.”

Ford’s actions may have sealed his defeat in the 1976 presidential race, and Bork’s decision at least chilled the Senate reception of his nomination to the Supreme Court. Yet Ford, through the pardon, spared his country an ordeal of immeasurable proportion. As for Bork, the firing of Archibald Cox

was a duty to justice—to keeping the government running—that convinced me to follow the president’s order, and to remain long enough to hold together the Watergate investigation and the Justice Department as a whole. Without a soldier in the streets, we managed a transfer of power that would have shattered many nations.

It is often difficult for my liberal friends to fathom why the rejection of Robert Bork’s Supreme Court nomination hit the conservative community so lastingly, and so hard. It is not that we are brittle, or fail to recognize that life moves on. It is not that we fail to understand the case against him (i.e., that he was too fond of abstraction, and somehow failed to fully grasp or comprehend the lives of Americans outside his sphere). It is simply that an injustice was done.

One need not subscribe to Bork’s theory of originalism to believe that there surely should have been a place for him on the U.S. Supreme Court. He would not have been the whole

Court, but simply one of nine. His exquisite and powerful intellect would have been a thing to behold. He would have joined the great debate on whether the empathetic selection of winners and losers is a task best assigned to the elected representatives who enact law or to the appointed judges who apply and interpret it. And he would have brought home, as few others could, the full extent to which this nation’s fortunes rise or fall with the rule of law. Even those who disagreed with him would have been required to reengage and reassess, and the American legal dialogue would

have been immeasurably enhanced.

So much for the what-ifs and the might-have-beens. Was his influence greater precisely because he never served on the Court? This slender volume, completed shortly before his death, may not be the equal of the magisterial *A Time to Speak* (2008), which reminds the reader in its subtitle that the 750-page volume represents no more than the *selected* writings of Robert Bork. But *Saving Justice* is a warm, generous, honest memoir—a fitting final contribution from a man who served his fellow citizens well during a long and distinguished life. ♦

BCA

Better with Age

The creative impulse improves as well as declines.

BY DAVID GELERTER

‘M’atisse: In Search of True Painting” is a smallish but superb show at the Metropolitan Museum of Art. It focuses on pairs and series of related paintings, and the sheer loveliness of its best pieces resounds through the huge building and out onto Fifth Avenue. But it is sad that this small-scale, dazzling-masterpieces-only approach wasn’t extended to Henri Matisse’s late cutouts—which also occur in pairs and in series. Unfortunately, this exhibit, for all its beauty, shows off one of the deepest, darkest prejudices in the arts today: that an artist’s earlier works are bound to be his best.

It’s true that they are usually his most unexpected and “disruptive.” And most art historians have long since decided that an artist’s

David Gelernter, whose show “Sh’ma/Listen: The Art of David Gelernter” just closed at the Yeshiva University Museum, is chief scientist at Lifestreams.com and a professor of computer science at Yale.

main goal is to kick people in the teeth. This strange idea is only to be expected, though, given that art historians are mostly intellectuals who admire theories and ideas rather than truth or beauty per se. It is natural that intellectuals should reduce art to political or intellectual terms, just as it is natural for a horse to evaluate a lawn in terms of taste and hoof-comfort, not aesthetic effect. Intellectuals do not see the world in aesthetic terms, and so they are always bound to have trouble with art.

But their tendency to exalt early works over late ones has damaged our ability to appreciate Matisse. His cutouts, all late, are among his greatest pieces. And they are far too rarely seen in public. The Met itself owns an especially beautiful one (*Fleurs de Neige*, 1951) that it rarely deigns to display. It’s time to renew our understanding of great artists’ tendency to do their best work late. Towards the end of his career, a major artist has so mastered his technique, and so dominates his materials, that he speaks to

us directly in color or music or line or language. Instead of looking at him through the window (however brilliantly polished) of technique, we see him face to face. It might almost be said that, the greater the artist, the more likely that his greatest work will come towards the end of his career. Picasso and Matisse, rivals and friends, make the point perfectly: Picasso's best work came towards the start of his work as a painter, Matisse's towards the end of his.

The Met's show is wonderful, even though, strictly on its own terms, it misses the point. It shows us several of Matisse's greatest paintings, surrounded, in some cases, by groups of studies, and by black and white photos of the painting in others—photos that record the many different states of the canvas along its way to completion. The photos reminded Matisse of where he had been so he could retrace his steps if he wanted to. They also reminded the public that to paint a Matisse was harder than it looked. His paintings look casual; their profoundly original color harmonies and the balanced grace of the drawing seem as unstudied as a rainbow. But Matisse worked hard. Often he reworked and repainted a canvas dozens of times before he was satisfied.

The show and the catalogue neatly explain why the intermediate-state photos exist. But the deeper question is, obviously, why do the intermediate states *themselves* exist? Why didn't Matisse work out the problems first, in sketches and drawings? Sometimes he did; but why not always? The answer is that Matisse is a color artist, one of the very greatest. He ranks alongside the 12th-century stained-glass masters of St. Denis and Chartres—with the 8th- and 9th-century creators of the gospel books of Lindisfarne and of Kells, respectively, and with Fra Angelico and Titian. He struggled with drawing and eventually achieved a lovely, lyrical, wholly original way of doing it; but color was his native language.

Now, a painter who dreams up a new

color chord naturally needs to test it out and adjust it. But there is no way to make a "color study." The colors in a painting make their effect depending on the way they are put together, and the texture and relative opacity and sheer area of each separate color region. Which means that the only way to make a study of the colors for a painting is to make the painting. This means, in turn, that Matisse often worked his way through doz-



Henri Matisse and glass panel (1948)

ens of versions of one painting. Each version is, in effect, a study for the next. Of course, he could have made a flock of separate paintings instead of reworking one, but it is much harder to take up where you left off—when you must start by reproducing (most of) an earlier painting—than if you are merely drawing.

The catalog and curators don't tell us much about Matisse's unique color genius, but the paintings tell us everything. He is famous for his ability to use black as a hue, but his greatest virtuosity is reserved for green. No color has a greater range of separable nuances; and the hardest of all colors to use isn't black but plain, bright, kindergarten green. Which

is an oddly shocking color: You can buy large assortments of pastels from many leading makers and discover not one plain, bright green in any of them. Matisse is one of the few painters in history who uses this color effectively. Like van Gogh, Degas, Stuart Davis, and de Kooning, he prefers opaque color. In his greatest paintings (nearly all of them late), the colors tend to be laid on with hardly any variation within a color zone.

These habits of opacity and uniform color-zones made it natural for him to work in cutouts, cut sheets of uniformly colored paper pasted together and painted in gouache (opaque watercolor).

Often his best paintings have separate zones of internally harmonious color pulled together by a louder, more dissonant color triad of black plus two dissonant tones. *Interior with an Egyptian Curtain* (1948) has a pink/peach/amber and a lemon/soft green/soft blue zone set off by a trumpeting curtain in black, crimson, and bright green—a color nightmare in itself, but gorgeous when it is braced up by beds of softer color. The famous *Large Blue Dress* (1937) has slate-blue, white, soft green, and pink set off by a brilliant chord of black, lemon, and warmish red. *Bowl of Apples on a Table* (1916) has a harmonious group of ambers, oranges, pinks, and white-yellows lit up by

a brilliant blare of verdigris, pink, and black. In the exhibit, it is paired with a similar painting called *Apples* (1916). But *Apples* lacks the pink/verdigris dissonance and seems blandly half-hearted as a result.

Interior, *Dress*, and *Bowl of Apples* are all masterpieces. All three have the characteristics of Matisse's late period. They fill their canvases right to the edges and press against them. The borders between color zones are crisp and clear. Each separate zone of color is relatively uniform and unmodulated. The earlier two hark forward to the last, and all three culminate in the radiance of the late cutouts and the extraordinary stained glass of the Dominican chapel at

Vence, his culminating achievement.

Ludwig van Beethoven is the canonical example of the artist who grows better every moment of his life. Recall that Beethoven in midcareer (roughly 1802-12) composed the Third, Fifth, and Eighth Symphonies, the Kreutzer Sonata, and the two most perfect works in music—the G Major Piano Concerto and the Violin Concerto—along with dozens of other masterpieces. After all, he combined, in midcareer, perfect structural mastery of sublimely lovely thematic material with a Shakespearean sense of humor. Listen to the coda of the C Minor Piano Concerto's last movement, where the tempo switches to 6/8 and the soloist tiptoes over a new version of the rondo theme trying not to burst out laughing and wake the orchestra in his sheer exuberance. But he fails, and the last pages are the loveliest laughter in music.

Yet, in his later years, we find Beethoven inventing a new kind of theme, in which the material is so powerfully compressed (carbon squeezed into diamond) that a single terrific statement emerges with no rhythmically separate harmonic lines: Each musical line speaks in the same rhythm, and often there is no harmony at all. The most celebrated example is the first theme of the Ninth Symphony:

It emerges out of a musical mist, atomized sound (which Beethoven also invented), coalescing like a tornado out of chaos, it is stated by the whole orchestra *fortissimo*, in unison. No such theme had ever existed before. There is also the powerful unison opening of the Opus 95 String Quartet, or the sudden surge (a huge wave crashing over the decks) of the first four bars of the Hammerklavier Sonata, Opus 106, or the *maestoso* (“majestic”) start of the Opus 127 String Quartet—a passage so powerful that no serious performer can keep his seat while he plays it.

Alongside these forged-steel themes

are the fugue themes, which occur unaccompanied at the start of the fugue; and late Beethoven is obsessed by the fugue as completely as Bach had been. In these late fugues, the theme is laid out plain as a diamond bracelet against the black velvet of the cosmos. The greatest of all concludes the Credo in the *Missa Solemnis*, in which Beethoven struggles to make the



‘Creole Dancer,’ cutout (1950)

world understand, at a time when the steady rusting-away of faith has already begun, that he is devoutly Christian. But his deepest discovery of all goes beyond thematic material and its development. Beethoven, and Beethoven alone, discovered how to make an end. In the middle period, he had already invented the colossal coda, in which the opening theme returns finally to loom over the whole movement like a Saturn rocket trembling with power: Thus, the close of the first movements of the Eroica and the Fifth Symphonies, or the incomparable Opus 74 Quartet.

But then, as the end approaches,

something new happens. In the Opus 95 and Opus 127 Quartets, the first movements reach no conclusions. The music simply withdraws into a silence that is tangible. And at the close of the Grosse Fugue (for string quartet), the fugue breaks off at the end into a wild sprint, faster and faster, until it takes off in lunatic ecstasy. The most moving discoveries are in the last piano sonatas: The scherzo of Opus 110, the second to last sonata and Beethoven's most miraculous feat of sheer compression, trails off into a boundless gentle mist; in the scant 15 bars of the coda we hear the whole mystery of the universe. And in the last piano sonata, Opus 111, the first of the two movements ends in floral garlands (memorials to the dead) floating on a gently heaving sea. The last, a theme and variations, closes on what can only be described as a still, small voice: The music bears the tragedy of mankind on its shoulders as it walks upright through the last open door, and is gone.

I return to Matisse by way of two of the greatest of modern novelists: Henry James, born a generation before Matisse, and Marcel Proust, James's soulmate and Matisse's countryman and near-contemporary. James and Proust resemble each other in that each produced his masterpieces at the end of his career. James's three greatest novels, the work of his

“major phase,” are *The Wings of the Dove* (1902), *The Ambassadors* (1903), and *The Golden Bowl* (1904). Except for the less successful *The Outcry* (1911), they are his last completed novels, exploring the subtlest, most allusive of psychological shadings in prose tuned down to an intimate whisper.

In the last of the three, a golden bowl (only it is gilt over glass, not gold) has a flaw and a secret, and James—slowly turning over this small thing in his vast imagination, as if it were crystal flashing colored gleams in a thousand directions—finds his main symbols, and several of his key moments, in the enigmatic bowl.

DEA / G. DAGLI ORTI

It is a symbol of beauty combined with frailty and phoniness; it causes an initial revelation, a crucial shift in power from deceiver to deceived, makes plain the saving power of truth and grace, and reveals, even in the manner of its being gathered up after having been dropped to the floor and broken, important aspects of the heroine.

James is often said to have prepared the ground for Proust, and Proust's fellow great modernist, James Joyce. But Proust's prose is far more James than Joyce's. It, too, is hushed and candlelit. Proust, like James in his later work, moves in long sinuous sentences, the trailing tails of lazy mermaids. One hears long, nuanced, whispered revelation, then a deep breath—and the cycle repeats. Proust only lived to be 51, but he waited until he was in his forties to begin his great novel, which appeared as a whole (its last sections not quite finished) after his death. *À la recherche du temps perdu*, “in search of lost time,” is an immense achievement made of seven subnovels. Proust called the second *À l'ombre des jeunes filles en fleurs*, “In the shadow of young ladies in bloom.” Listen to the whisperous *l'ombre*, the softly mellifluous *jeunes filles en fleurs*. It is the greatest title ever invented.

An artist's job is to fashion beautiful things—with a master goldsmith's delicate touch—out of the raw, red shrieking rage and pain and joy of human life. Beethoven's almost-last great masterpiece was the A Minor String Quartet, Opus 132, of 1825. He had been too sick to work, and he wrote the A Minor Quartet while recuperating. Its middle movement of five is the famous “Sacred thanksgiving-song from a healed man to God, in the Lydian mode.” He was feeling better, but he could see death on its way. And so one of his last, greatest creations was this thanksgiving song. As his life ended, what he wanted to say was thank you.

Matisse finished his career with the spectacular cutouts of the short book called *Jazz*, and his other masterpieces in this medium. Among his last works was one he called “the

crowning achievement of my life”—the decoration, specifically the stained glass, for the chapel of the Dominican nuns at Vence. He stripped his palette to translucent lemon, cool brilliant green, and vivid green-blue. This artist, capable of unmatched subtlety in the

invention of colors in combination, retreated, in the end, to one sublimely basic, powerful triad and to simple forms of matchless grace. He always said he was an atheist, but in the presence of his own creation at Vence, he was seen to hesitate. ♦

BCA

Alive and Well

American power and influence need not be on the wane. BY JOSHUA MURAVCHIK

Intellectual error is not necessarily bad. It is sometimes the price of imagination and bold thinking. But it may also be the result of sloppy reasoning, wishful thinking, or the venal desire to sell copy. So it is not necessarily good, either.

Few subjects have been more fruitful of intellectual error in recent times than that of America's prospective decline. In the late 1980s, several books purported to have spotted harbingers of this dispensation, thus bringing welcome relief to those who could not bear the triumphalism they found in Ronald Reagan's successful policies. In 1988, the *New York Times* devoted a Sunday magazine essay to exalting the new declinists, calling them “a small but growing cadre of intellectuals who are wielding considerable political influence [and] have sparked a rousing dialogue . . . that threatens to shake Reagan's America from a decade of rose-colored, Ike-revivalist torpor.”

Foremost among this cadre was the transplanted British historian Paul Kennedy. Owen Harries described the reception of Kennedy's 1987 book, *The Rise and Fall of Great Powers*:

A historical study of nearly 700 pages, with eighty-three pages of notes, a thirty-eight-page bibliography, and dozens of tables and charts does not often enjoy a vogue. But [in] best-

Power and Willpower in the American Future

Why the United States Is Not Destined to Decline

by Robert J. Lieber

Cambridge, 190 pp., \$24.99

seller lists, op-ed pages, seminars, talk shows, little magazines, and dinner-table conversations it is evident that the decline of America is an idea whose time has come.

Harries should have also mentioned congressional hearings, because the key to Kennedy's phenomenal success was that he seemed to place the balance of historical scholarship in the scales against Reagan's defense buildup. “Imperial overstretch” had caused the collapse of past empires and would do the same to America, he said. Never mind that America had no empire, at least not in the sense of the Hapsburgs and Ottomans and others whose fate Kennedy chronicled. Never mind, too, that his argument was economic nonsense, as former chairman of the Council of Economic Advisers Herbert Stein deftly demonstrated.

(A massive defense cut would, even with rosy assumptions, enhance the growth of the economy by a fraction of 1 percent. In other words, as Stein put it, our alleged military excess was causing us to have to wait until September to reach the level of national prosperity we would otherwise have

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achieved in January. Was this the difference between ascendance and decline?)

Within two years, Kennedy's theory was borne out—except for one detail. Sure enough, our excessive defense spending had brought about, or had helped to bring about, the collapse of an empire. Except it was not *our* "empire" that collapsed, but that of our enemy, the "evil empire" as the benighted Reagan called it. Apparently our "overstretch" had driven the Kremlin to ever greater exertions. While we were spending roughly 6 percent of our economy on the military, the Soviets were spending something like 25 percent of theirs, contributing to their demise. Kennedy got the story exactly upside down.

To say that he could not have been more wrong is not to say that others did not try to outdo him. A year after the appearance of Kennedy's masterwork, Clyde Prestowitz, oracle of another school of decline, also published a bestseller, trumpeting his own prescience: "Japan has, as I predicted it would, become the undisputed world economic champion." Within a year, Japan's speculative bubble burst, and that country entered its "lost decade" without economic growth.

Mea culpas from the likes of Kennedy and Prestowitz were notable for their absence, though, by the turn of the century, Kennedy, for one, was striking a different note and expressing awe at American predominance. "Nothing has ever existed like this disparity of power," he proclaimed. Now, a decade later, things have come full circle: Declinism is back, and Kennedy and Prestowitz are once again singing their old tunes. In this go-round, the dire prognostications proclaimed so exultantly find their grist not in the ascent of another power or in our defense budget, but in our unsustainable deficits. America's decline is also said to be reflected in a loss of influence in the Middle East and perhaps elsewhere.

Amidst all this drama and heavy breathing comes the calm voice of Robert J. Lieber, professor of government and international affairs at Georgetown and author or editor of a string of volumes—over the span of more than

three decades—on American policy and the country's standing in the world. (Confession of connectedness: Thirty years ago, Lieber served on my dissertation committee and gave me a hard time. We've been on better terms since.)

Lieber offers a little historical context, reaching back beyond the declinist boom of the late 1980s to show that prophecies of American decline have been a recurrent attention-grabber since at least 1797, with the work



Robert J. Lieber

of Joseph de Maistre. Furthermore, Lieber reminds us that such predictions don't only come from the lips of publicists. In 1972, President Richard Nixon, who prided himself on being a deeper thinker about world affairs than his rivals and most of his predecessors, pontificated that the world was shifting to a pentagonal balance of power among the United States, the Soviet Union, China, Japan, and Western Europe. Forty years later, just as Nixon's vision might have been expected to reach fruition, the Soviet Union exists no more, and Japan and Europe are economically troubled and militarily weak. That leaves only the United States and China from Nixon's five-cornered model.

And what of China? Theories of U.S. decline comprise two broad

themes: America's weaknesses and the strengths of possible competitors. Today, that putative rival is China. Lieber reminds us that China is a less formidable foe than those we bested in the 20th century—namely, the Axis powers and the Soviet Union. True, China's economy is predicted to grow larger than our own in the coming years, but gross output is not a definitive statistic. In one of this book's more interesting factual tidbits, Lieber tells us that "in 1870, China and India possessed the world's largest economies in GDP terms," even while both were being trampled underfoot by more developed countries with smaller GDPs. Per person, China today is only about one-fifth as wealthy as America. That means Americans have far more discretionary income to draw upon for national purposes, including those which translate into power.

Moreover, China's economic growth masks a range of vulnerabilities. Lieber finds it unlikely "that the economic model of export-led growth can be sustained indefinitely." He also cites other debilities: the aging of the population, which will produce a burdensome ratio of pensioners to workers; a system of higher education that, according to one reputable study, produces engineers only 10 percent of whom are employable; and a political system that makes no sense. In addition, China has limited influence: Its language is spoken by few non-Chinese, and its political system is emulated by almost no one. Most of its neighbors fear it and are prone to form alliances of various kinds to balance against it.

If the most likely rival to America has feet of clay, what about America's internal weaknesses? Lieber sees fewer of them than strengths. He concedes that America's share of world economic output has shrunk, but only from about one-fourth of the total down to about one-fifth—a difference he finds inconsequential. On the other hand, he cites many enduring advantages, such as America's size in geography and population, and the fact that, unlike other countries, the population is not shrinking. Another is the patriotism of the populace and its willingness to sustain

PHOTO COURTESY OF ROBERT J. LIEBER

foreign commitments. Then there are the vast superiority of its higher education institutions, the international ubiquity of English, and America's unflagging attractiveness to immigrants and to allies.

Above all is the country's flexibility:

While serious errors of policy and delays in coming to grips with domestic and foreign crises are nothing new, the long-term record of the United States is one of remarkable resilience, adaptation, and crisis response.

This record makes Lieber hopeful, albeit not certain, that America can come to grips with what he sees as the greatest danger to its current position: unsustainable deficits and paralysis of fiscal policy.

Failure to face this danger and disarm it could indeed erode our strength and lead to the waning of America's global power, which would imperil "not only the national interest and security of the United States itself, but the stability of the global order that the United States has underwritten during the past seven decades." Such an outcome, however, does not inhere in any objective factors.

The human potential, flexibility, openness, entrepreneurial skills, and scientific, educational, and technical assets within the United States are available to underpin this role, as they have been in the past. The underlying question is less one of capacity and potential than of policy, persistence, and political will.

This is Lieber's core message.

Nothing lasts forever, so someday the predictions of America's decline will come true—whether in this millennium, or the next. Meanwhile, the sightings always titillate, just as those of Nessie and Sasquatch do. And so the likes of Kennedy and Prestowitz, however much in error they are shown to be, can laugh all the way to the bank. Those readers who prefer wisdom and good sense in their historical analysis, and would rather find their *frissons* elsewhere, will get more out of reading Lieber. ♦

BCA

Free Use and Abuse

The pitfalls, and potential, of copyright.

BY SONNY BUNCH

Following the Republican shelving in the recent election, David Brooks highlighted some voices shaping center-right conversation on the Internet. One of his more surprising choices was that of a Republican Study Committee staffer who had penned a (quickly withdrawn) memo for the caucus of conservative House members regarding the need to reform copyright laws.

It is unlikely that copyright reform will help the GOP reconnect with voters. But it is a sign of how rancorous the argument over copyright protection has grown among the elite class that the soon-to-be-fired author of a little-read, hastily dismissed paper on the subject would merit a mention in the *New York Times* as a leader of right-leaning thought.

Into the fray jumps this collection of essays, arguing that copyright is hopelessly broken. The libertarian right has grown increasingly skeptical of the institution, arguing that media corporations have perverted the Constitution's Copyright Clause into a tool used not to "promote the Progress of Science and useful Arts" but to swell their coffers. Many libertarians see the endless extension of copyright terms, the retroactive granting of such extensions, and the increasing number of instruments that can be copyrighted as crony capitalism.

There is certainly a case to be made for copyright reform. Whereas the Copyright Act originally provided that copyrightable items—limited to books, maps, and charts—could be protected for one 14-year term, and extended for another 14-year term (if the author wished), we now have, in

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Copyright Unbalanced

From Invention to Excess

edited by Jerry Brito

Mercurius Center, 152 pp., \$12.95

essence, unending, unlimited copyright: the life of the author, plus 70 years. Gone is the requirement that copyright holders actively pursue their copyright or its extensions. The effect is rather to grant copyright protection to everything created, in perpetuity. The public domain is no more.

Those wary of big government should also be wary of big government's monkeying with copyright, writes Jerry Brito in the opening essay:

You should be skeptical of Congress's ability to develop a rational policy given the knowledge problem copyright presents and the public choice pressures at work. You should be skeptical of the seemingly unlimited economic benefits we're told stronger copyright protection can produce, and you should instead be concerned about its effects on innovation. You should be skeptical of the recent trend toward criminal prosecution of even minor infringements of copyright law. You should be skeptical of the growing use of civil asset forfeiture in copyright enforcement. What follows in this book is not a moral case for or against copyright; it is a pragmatic look at the excesses of the present copyright regime and of proposals to further expand it.

There is much to agree with here and elsewhere in this collection of essays. One example: "Fair use"—the doctrine that, for instance, allows the copyrighted text above to be quoted without fear of an infringement lawsuit—has withered in recent years. Worried about their own liability to lawsuits under the Digital

Millennium Copyright Act (DMCA), companies like YouTube have adopted a ban-first/ask-questions-later policy. This has had odd consequences, as when the Romney and McCain campaigns had ads pulled from YouTube because they featured, respectively, Barack Obama singing an Al Green song and clips from news broadcasts.

“The Romney and McCain ads were not actually copyright-infringing,” notes Christina Mulligan in her piece, “Free Expression under the DMCA.”

Indeed, the inclusion of President Obama’s singing and the news clips qualify as “fair uses” of copyrighted works under the Copyright Act—meaning that Romney’s and McCain’s campaigns didn’t need the copyright holder’s permission to use the clips. Their videos weren’t illegal—yet YouTube still censored the ads for several days.

A better definition of fair use will be a key component of any copyright reform.

Were copyright protections simply a question of economic utility—a quest to discover which economic regime inspires content creators to make the most stuff—*Copyright Unbalanced* would be on more solid footing. But there is a moral dimension that must be accounted for. Libertarian opponents of copyright are not necessarily wrong to dodge the question; it has been a tricky one in American legal discourse. But the moral dimension of copyright has been a part of the general conversation since the days of the Founders—and before.

As Adam Mossoff of George Mason University School of Law noted in a paper last year (“Saving Locke from Marx: The Labor Theory of Value in Intellectual Property Theory”), John Locke argued that authors were due protection of their intellectual property because of the labor put into their creation. Wrote Locke in 1695:

To secure the author’s property in his copy, or his to whom he has transferred it, no book, pamphlet, portraiture or paper printed with the name of the author or publisher upon it shall within [blank] years after its first edition be reprinted with or without the name of the author to it without authority given in writing by the author.

Locke suggested that the blank be filled with the life of the author, plus another “50 or 70 years.”

James Madison, writing in *Federalist* 43, was similarly clear on this topic: “The utility of [copyrights and patents] will scarcely be questioned,” he wrote. “The copyright of authors has been solemnly adjudged, in Great Britain, to be a right of common law. The right to useful inventions seems with equal reason to belong to the inventors.” This is the only mention of the Copyright Clause in the Federalist Papers, suggesting that there was not very much contention on this point.

That an author has the right to do with his work as he pleases seems fairly obvious. This does not necessarily mean, however, that he has a right to profit from that work. Were I to release a spoken word album about the plight of aboriginal peoples, and price it at \$100 a copy, I imagine it would sell poorly. At the same time, thieves should not be free to download the album gratis and enjoy the deep thinking contained within simply because they think the price too high.

Don’t tell that to the Millennials

and their enablers, though: The digital generation has decided that content is theirs for the taking, creator-rights be damned. Why subscribe to HBO when you can download its original programming for nothing? Why contribute to Justin Bieber’s income when you can get his music for free from a bit torrent? Why visit the multiplex when you can (illicitly) watch new releases with the click of a button?

By ignoring the moral component of copyright—by telling content creators (and yes, the media corporations that employ them) that it’s no big deal if young people steal music, books, movies, and television shows because “they probably wouldn’t have bought it anyway” or “you’ll make it up when they attend your concert/buy your DVD collection”—we are working diligently toward creating a world in which there is little content, and the content that is produced is of meager quality.

So yes, let’s figure out how we can reinvigorate the public domain, and ensure that fair use is defended. But let’s do it in a way that doesn’t trample on the rights of those who actually create what we consume. ♦

BCA

I See Nothing

The busy life, and the busier television schedule, call for desperate measures. BY JOHN PODHORETZ

Someone living in Barack Obama’s America, circa 2013, says these words to you: “I’m so behind.” In previous epochs—say, the Age of Lewinsky, or of disco—this might mean any number of things. A person might have failed to collate the year’s receipts for his accountant. Another might not have completed the longitudinal analysis necessary for her dissertation. A third might not have cleaned out the attic.

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

No longer. In Barack Obama’s America, those words refer to only one thing: the inability to keep up-to-date with a serialized television program.

There’s all this talk about how ours is a golden age for television—and, obviously, it’s the case that never before has there been so much ambitious, well-wrought fare on offer. And the drive to produce addictively watchable TV has now extended itself beyond conventional networks to the Internet streamer Netflix, whose high-end serial *House of Cards* with Kevin Spacey has made

a huge splash over the past few weeks.

House of Cards joins an enormous number of serialized multiseason shows currently, or recently, on the air: *Boardwalk Empire*, *Breaking Bad*, *Dexter*, *Downton Abbey*, *Game of Thrones*, *Homeland*, *Justified*, *Mad Men*, *Once Upon a Time*, *Revenge*, *Revolution*, *Sons of Anarchy*, *The Americans*, *The Good Wife*, *The Walking Dead*, *Treme*, and *True Blood*. (There are more still, but they have no cultural cachet.) These all have earned passionate followings and critical adulation, and each show unfolds a highly complex plot over a long period of time.

It is almost impossible to dip a toe into their waters at midpoint, because the characters and their relationships are well established and the plotlines so gnarled with incident that there's no way to get the gist unless you go to Wikipedia to help you along. True, a few of them try to wrap up a major subplot each season, but the overall plot remains unresolved—and the problem of trying to start in the middle remains.

But who has the time to keep up once they're on? Say you have to go out the evening that one of these must-watch shows airs, and then have obligations the next, so that you're only two days behind. You could get it in on the third—only, on the third night there's the airing of another one of these must-watch programs.

The advice often proffered to those who are interested is that they should download an entire season—all 6 or 9 or 12 hours—and watch all the episodes at once. Good advice indeed . . . if you don't have other things going on in your life, like religious services, or kids to shuttle about, or infirm parents to take care of, or community responsibilities.

Once the world's most mindless pleasure, TV-watching has now become a vehicle for the kind of free-floating worry that creates anxiety dreams. Only in this case it's not *Oh no, the test is today and I haven't studied!* but, rather, *I have 42 episodes of Breaking Bad on my DVR I haven't watched yet!* In some circles, the failure to keep up leads to intolerable pressure. On Monday morning, you are completely cut out of the conversation at school

drop-off—or at morning spin class, or during the five minutes before the marketing meeting begins—if you can't join in the general chorus of anguish regarding the unexpected death that occurred during the season finale of *Downton Abbey*. A guys' night out is ruined when you have nothing to say about Walt's latest infamy on *Breaking Bad*.

If you are the more aggressive type, you will move to shut down the discussion to which you cannot be a

to complete than reading all seven volumes of Proust. I have a busy work life and three kids and a marriage—and I can't see spending more time with the vampires of *True Blood* than with my wife.

I miss the bad old days, when television writers thought so little of their work they would create three different flashback episodes in different years showing how a couple met and married. Sure, TV was worse, much worse; but it made no *demands* of you.



Kevin Spacey in 'House of Cards'

party with the tried-and-true “No spoilers!” trope. You shout, “Hey, you guys, no spoilers, I didn't get to watch it yet!” Contemporary manners require everyone around you instantly to cease talking, lest they ruin your Big Reveal.

More often, though, you will suffer the revelation with that deprecating bit of pointless self-accusation: “I'm so behind.”

My solution to the problem is a simple one: I've given up. I don't watch anything. Titus Moody, the starchy New Englander created by the long-forgotten comic genius Fred Allen, said that he opposed radio because “I don't hold with furniture that talks.” As for me, I won't be ruled by a giant mirror-like thing in my living room that seeks to commit me to cultural experiences which take longer

I know art should provide a challenge to your day-to-day existence, but it shouldn't swallow it whole.

So I have liberated myself. You are free to say what you like around me. I have no idea which guy died on *Downton Abbey*. I don't know who had incestuous sex with whom on *Boardwalk Empire*. I don't know if the zombies are winning or losing on *The Walking Dead*. I don't know whom the mean-mommy shiksa married on *Mad Men*, or why a lawnmower attacked somebody in Don Draper's office, or which French song the second wife sang at a party.

You are hereby liberated as well: You will spoil nothing if you have lengthy conversations about all this in my presence. You may bore me to death, true, but that's my problem, not yours. ◆

NETFLIX

**“I’ve experienced how none of us go through life without mistakes.’
Former two-term South Carolina Governor Mark Sanford has emerged
with his first television ad since announcing last month his intentions
to run for Congress.”**

—NBC News, February 18, 2013

PARODY



Transcript: Appearance by congressional candidate and former governor Mark Sanford
Venue: Summerville Masonic Lodge No. 234, Summerville, SC
Date: March 17, 2013

MARÍA BELÉN CHAPUR: It gives me great pleasure to introduce former governor Mark Sanford!

[SCATTERED APPLAUSE]

MARK SANFORD: Thank you, thank you! Gracias, María, mi corazon, mi vida. Te quiero. Mi amor por ti es como un arroyo que fluye siempre al rio de mi alma y el oceano de mi corazon.

[AUDIBLE GROANS]

SANFORD: Oh, right. Okay. So, ladies and gentlemen of South Carolina, I come here today to humbly ask you for your vote. As you all know, I have a record of conservative leadership, I have cut spending, and I have worked tirelessly on behalf of this state. Have I made mistakes? Sure I have. But haven't we all made mistakes? Who among us hasn't forgotten to send a birthday card to a friend, or left the lights on in their car and let the battery die, or disappeared for six days to have a tryst with the most beautiful and sexually adventurous woman they've ever met? These things happen. They're a part of life. And I think you, the voters of South Carolina, understand that. Because you understand that the real issue in this election is that Washington's math just doesn't add up. Now, we're not talking about the kind of fudging that regular folks might do on a daily basis, like misusing public funds to finance illicit, highly erotic weekend trips to South America, or convincing your wife that the \$400 charge on the Discover Card at Eros's Garden was for re-sodding the front lawn. We're talking about real fiscal irresponsibility and creating debt that threatens our future. It appears some in Washington have forgotten this. You see, the Washington of today is a house divided. And I would venture to guess that few people know as much about a divided house as I