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KING OF FEARMONGERS

**CHARLOTTE ALLEN on Morris Dees
and the Southern Poverty Law Center**

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Hail Columbia

People have been outraged to learn that Kathy Boudin, imprisoned for her role in the 1981 Brinks armored car robbery and murders in New York and paroled a decade ago, now holds an adjunct professorship in the school of social work at Columbia University, where she has been lecturing since 2008. When asked by the *New York Post* about Boudin, associate dean Marianne Yoshioka enthused that her colleague is “an excellent teacher who gets incredible evaluations from her students each year.” THE SCRAPBOOK is prepared to believe that. What student, even a student of

social work, would not be fascinated by the spectacle of a professor who is also a felony murderer?

Kathy Boudin, now nearly 70 years old, is practically a parody of a superannuated 1960s radical. The daughter of a famous left-wing lawyer and the niece of the radical journalist I. F. Stone, she dropped out of Bryn Mawr to live and study in the Soviet Union, then joined the terrorists of the Weather Underground, bombing the Pentagon, the U.S. Capitol, various civic and commercial sites in New York and Chicago—and ultimately themselves, in the famous 1970 explo-

sion of a townhouse bomb factory in Greenwich Village.

Boudin and a handful of comrades (three of whom were killed in the blast) had been making bombs for detonation at a soldiers’ dance at nearby Fort Dix. Boudin was injured, but survived—and then became a fugitive for more than a decade until she and fellow Weathermen and members of the Black Liberation Army robbed a Brinks armored truck in Rockland County, New York, in 1981. Boudin and friends shot and killed one guard and two policemen, and wounded another guard. This time Boudin was captured, was offered a plea bargain, and served 19 years in prison.

In a perfect world, of course, unrepentant domestic terrorists like Kathy Boudin would not be offered plum faculty posts at Ivy League institutions. But as THE SCRAPBOOK is well aware, this is not a perfect world—nor especially uncharacteristic of our nation’s more prestigious institutions of higher learning, where the Boudin generation remains in control and anti-Americanism is the predominant faith. Kathleen Cleaver, ex-fugitive onetime wife of Eldridge Cleaver, teaches at Yale Law School; Boudin’s fellow bomber (and Obama pal) Bill Ayers taught at the University of Illinois, Angela Davis at the University of California, Santa Cruz. The list goes on.

THE SCRAPBOOK’s view of all this is cautiously optimistic. First, it is entirely possible that, when the academy is finally liberated from its baby boom captivity, the self-consciously radical atmosphere on our nation’s campuses may lift, if only partially. Second, if it had been revealed in, say, 1975 that Kathy Boudin (then probably resident in Cuba) would someday be teaching at Columbia, nobody would have noticed. Today, it’s a big deal. And that’s progress, of sorts: The romantic view of the anarchists and murderers of the left in that era has given way to revision and reassess-

Separated at Birth?



North Korea’s Kim Jong-un reviews an artillery unit; Field Marshal Montgomery in Egypt

ment and, to some degree, revulsion.

THE SCRAPBOOK has another perspective as well. Such spectacular events as the Brinks robbery tend to concentrate attention on the perpetrators, not the victims, especially when the perpetrators have minor celebrity status. Lest we forget, Kathy Boudin and her comrades shot and killed three men, leaving two widows and nine children. It might be worth asking Dean Yoshioka whether any of those children (or grandchildren now, in some cases) have ever applied to Columbia University for admission, or for employment—and whether, under the circumstances, Boudin’s patron feels any lingering sense of obligation. ♦

The Campus Hoax Culture

It’s become a collegiate tradition as venerable as all-nighters, hacky sack on the quad, and toga parties: the consciousness-raising campus rape hoax. And so it wasn’t particularly surprising when, early last month, it was revealed that a 20-year-old woman named Morgan Triplett, who claimed she had been sexually assaulted at UC Santa Cruz in February, had in fact fabricated the charge.

Nor was it anything out of the ordinary when—even after they learned it was a hoax via a campus-wide email from the school president—Santa Cruz students nonetheless marched en masse decrying their university’s alleged “rape culture.” It was also par for the course when one of the marchers, while acknowledging that the alleged rape had never occurred, lamented, “I feel people really rallied against rape after [the assault was reported], and then I felt that the administration was really dismissive in the email they sent out to the student body.” (How dare the administration dismiss something that never happened!) And THE SCRAPBOOK can’t say it was surprised when it read in the *Santa Cruz Sentinel* that another of the marchers was a 44-year-old undergraduate feminist studies major. Same old, same old.



And yet, this particular hoax was more ambitious than usual, in that it involved advertising for a perpetrator, instead of simply imagining one. Last week, we learned that Triplett had placed two ads on Craigslist the day before she reported the rape. According to local news station KSBW, “In one ad, Triplett offered to have sex with anyone who would shoot her in the shoulder with a small caliber bullet.” Apparently even sadists have their limits—that ad drew no responses. KSBW continued, “The college student posted a second Craigslist ad asking someone to ‘punch, kick and bruise her,’ and promised she would not file any charges against the person. Several people responded to

the second Craigslist ad agreeing to go along with Triplett’s plan. A man met Triplett at UC Santa Cruz, beat her up, and the two had sex.”

Triplett then reported the “assault” and now faces up to six months in jail for the false accusation. Given the unique horror of rape—and the congruent horror of faking one—a little judicially imposed time for reflection might not be a bad idea. ♦

Resurrection Correction

Even though it’s only April, the *New York Times* may already have run the most embarrassing correction that will appear in any major news-

paper in 2013. In their story on Pope Francis's first Easter message, no less than the *Times's* Vatican reporter informed readers, "Easter is the celebration of the resurrection into heaven of Jesus, three days after he was crucified, the premise for the Christian belief in an everlasting life."

As appalling as that is, the correction didn't help matters all that much: "An earlier version of this article mischaracterized the Christian holiday of Easter. It is the celebration of Jesus's resurrection from the dead, not his resurrection into heaven." We hope during the weeks before the Feast of the Ascension, the *Times* finds a moment to clarify that no follower of Jesus has ever believed that he was "resurrected into heaven."

This correction further confirms that the *Times's* well-documented animus against Christians is accompanied by an unwillingness to familiarize itself with even the basic tenets of the faith. This is the same paper, after all, whose former executive editor Bill Keller wrote a column for the paper in 2011 demanding that

Republican presidential candidates be aggressively questioned about their religion because "I care a lot if a candidate is going to be a Trojan horse for a sect that believes it has divine instructions on how we should be governed." Of course, Keller could have done some basic research before he set about making demands politicians explain their faith to the *Times*. And his obnoxious column was eventually updated with its own doozy of a correction:

Because of an editing error, an essay on Page 11 this weekend, about the religious beliefs of Republican presidential candidates, misstates the proportion of Americans who believe that extraterrestrials live among us. It is about a third, not a majority. The essay also erroneously includes Rick Santorum among politicians affiliated with evangelical Christianity. Mr. Santorum is Catholic.

Keller actually wrote that Santorum—one of the most publicly outspoken lay Catholics in the country—was part of a "fervid subset of evangelical Christianity." The only thing fervid here is the *Times's* invincible ignorance of all things religious.

But if the *Times* is comfortable adopting a hostile posture toward religious adherents, at the very least we hope they give a damn about how stupid they look. *National Review's* Mark Steyn noted of the Easter correction:

It reveals the *Times* as know-nothings to 1.2 billion Catholics. Leaving aside the massed ranks of Anglicans, Methodists et al., it exposes the *Times* to believers and non-believers alike as culturally ignorant. The Bible underpins a big chunk of western art, music, and literature, and not to know its basic concepts is to condemn yourself to bobbing around in the shallows. . . . America's supposed "newspaper of record" has just announced itself to the world as civilizationally illiterate.

Steyn's observation is bang-on, though THE SCRAPBOOK has one quibble. The *Times* hasn't "just announced itself to the world as civilizationally illiterate"—that's been an ongoing project at the *Times* for years. ♦

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Audio-Dismal Aids

A year or so ago, I took part in a conference in Mexico for which I, along with several other intellectuals, academics, and writers, was paid an excellent fee to talk for 10 minutes. The proceedings took place over three days. They were held in a movie-sized theater and were well attended. I was distinguished at this conference, near as I could tell, in being the only one who did not avail himself of audiovisual aids. The reason I didn't is that I don't have any; nor have I any wish to possess any. I am a word man, a writer, a mere scribbler, and in me what you read or hear—not see—is what you get.

The conference generally was high-tech, if that word is still in vogue. Each speaker was introduced with a light show of sorts, with musical accompaniment, and stood behind a series of boxes that were raised at the end of a dramatic-sounding introduction delivered in Spanish. I remember feeling foolish when all these pyrotechnics were over, and there I stood. I felt like the Jewish woman who used to shop at the same Greek greengrocer's I did who, when her turn came, used to say, "You got me now."

Of those talks—I suppose they are more precisely regarded as presentations—I did attend, I recall how unimpressive the visual portions seemed. A speaker mentions Einstein, and up on a big screen is a picture of the old boy, hair disheveled, in a sweatshirt, the standard shot. ("Yo, Al, what's shakin'?") Another speaker mentions the universe and—*click*—there is a wash of stars and planets on the screen.

Another man, with the aid of his PowerPoint, enumerated six kinds of

betrayal in relationships, all of which left my mind as soon as he clicked new information onto his screen.

But the talk that did stay in my mind was that of an evolutionary psychologist who compared the human brain to a smartphone. When we consider man, he began (*click*, on the screen appeared a human skull in profile), and his brain (*click*—lo, a brain appeared



inside the skull), we come to see that the human mind is like a smartphone (*click*—picture of a smartphone). The brain itself, he continued, is in many ways like a smartphone (*click*—apps show up where the brain was). We have, for example, an app for morality (*click*—app that says "morality"), and another app for self-preservation (*click*—self-preservation app), and so on, app added after app, *click, click, click*.

One might say that is brilliant, except that it is stupid. The human brain isn't in the least like a smartphone. A smartphone doesn't have courage, isn't capable of evil, knows nothing of altruism, cannot innovate or create, and of that great human capacity for wondering called consciousness, it is completely void. It can send a text and play chess with you but knows nothing about loyalty, love, and principle.

All that is interesting about the human brain, in other words, you aren't going to find on any smartphone, not now or in the future. But up there on that big screen, with the speaker clicking and app-ing away, for a moment or two it seemed an interesting connection. The human brain, the smartphone—yeah, baby, it all seemed to make sense—except that it doesn't.

During this presentation it occurred to me that audiovisual aids, far from being an advance in pedagogy, may well be nothing more than another form of dumbing down. One of the reigning clichés in pedagogy for some while now has been that current generations are visual-minded; they cerebrate not through words but pictures. So, the argument runs, it makes sense to appeal to them visually. Some learning can doubtless be accomplished visually. But that it can doesn't necessarily mean that the visual is the best way to accomplish it. The visual has its limits, and they may be more extreme than devotees of the audiovisual know.

Many years ago I was at another conference, where Irving Kristol was one of the speakers. He spoke sitting down. Behind him happened to be a large screen. The man who introduced him joked that Irving was here today with his usual full panoply of audiovisual aids. Everyone in the room laughed.

The joke was that Irving Kristol was the last man in the world to require audiovisual aids. He didn't even require a note. He set out his argument with lucidity, wit, and undramatic but genuine force. What made a talk by Irving Kristol impressive was that when he spoke you saw a man thinking. The sight of a man or woman of high intelligence in the act of thinking—there can be no more compelling audiovisual aid.

JOSEPH EPSTEIN

Obama's War on Growth

When Dan Pfeiffer, a senior adviser to President Obama, spoke at a *Politico* event last week, he was asked what would constitute success in 2013 for the White House. One of his answers was making headway to “rebalance our economy.” The goal, he said, is an economy that’s “not top down.”

Like their boss, Obama aides often speak in euphemisms. So here’s the translation: The Obama administration will continue to pursue redistribution of wealth and income, taking from the well-to-do and giving to the poor and middle class (at least to the lower middle class).

The president has his own way of touting redistribution. Whenever he uses the word “fair,” you can bet he’s really referring to redistribution. He talks of everyone getting a “fair shake” and a “fair shot.” In his State of the Union address in February, he insisted economic growth requires “everybody doing their fair share.” In his inaugural speech in January, he said a free market “only thrives when there are rules to ensure competition and fair play.”

But Obama’s emphasis on redistribution and his policies to further it create a problem that he either doesn’t recognize or, as I suspect, chooses to ignore. He insists economic growth is his “top priority.” Redistribution, however, is not the friend of growth. It impedes growth.

The most effective tool in spurring growth is private investment. Obama may not like it, but major investors tend to be well off. They have money to invest. Rather than encourage them to invest in growth and jobs, Obama does the opposite. By raising their taxes and leaving a strong impression he’d like to raise them even more, he discourages investment.

In the fiscal cliff deal, Obama not only hiked the top rate on individual income, he increased the tax rates on two incentives to invest, capital gains and dividends. In addition, in Obamacare, he imposed a new tax specifically on investment income. In effect, Obama is waging a war on investment.

“He’s not a pro-saving, pro-wealth president,” says Douglas Holtz-Eakin, the former director of the Congressional Budget Office. “So he can’t be pro-growth.”

Obama says he’s eager for bipartisan tax reform. And if he favored the traditional method of overhauling the tax code, that would put him on the side of growth. But instead of wiping out tax preferences and loopholes to broaden the base and lower tax rates, Obama wants to get rid of special breaks as a way to jack up tax revenues. Incentives for growth? Forget it.

The president has also endorsed entitlement reform. And at the *Politico* gathering, Pfeiffer boasted about Obama’s endorsement of “chained-CPI.” It would recalculate the rate of inflation and slightly restrain annual cost-of-living adjustments in entitlements, notably Social Security. “That is on the table and waiting for someone to come to take it,” Pfeiffer said.

There’s a reason no one has jumped at the chance. Obama’s price is sure to be high. As part of a deal on entitlements, Republicans would have to accept still-higher taxes. We don’t have to guess from whom Obama would want those revenues to come. On top of that, Pfeiffer suggested the well off would be expected to pay higher premiums for Medicare.

That deal might be worthwhile if chained-CPI would affect entitlements significantly. It wouldn’t. Social Security and Medicare are projected to spend more than \$18 trillion over the next decade. According to Holtz-Eakin, chained-CPI would trim that by \$280 billion, which he calls no more than a “rounding error.”

Obama’s own ideas for promoting growth indicate he’s a slow learner. He’s bent on pursuing the same policies that have produced the slowest economic recovery since World War II. The recession ended in June 2009, yet the economy has struggled with GDP growth averaging around 2 percent (only 0.4 percent in the fourth quarter of 2012).

The result is scary, as John Cassidy outlined in *Fortune*. Since the recession began in 2008, the working population—those employed or looking for jobs—has increased by 12.2 million. But in five years, the number of jobs has grown by only 1.4 million. Indeed, participation in the labor force actually shrank from 66.2 percent of the civilian population in January 2008 to 63.5 percent in February 2013.

In the face of this, Obama is proposing to pour money into roads, bridges, and other infrastructure. “There are few more important things we can do to create jobs right now and strengthen our economy over the long haul than rebuilding the infrastructure that powers our businesses and our economy,” he said in Miami in March.

Sorry, but there are many more important things. The roads and bridges panacea has never led to robust growth. It didn’t when the president and Democrats made it part of the \$800 billion “stimulus” in 2009 and it’s unlikely to do so now. But it does thrill a Democratic interest group, organized labor.

There’s one more part to Obama’s current plan to increase growth, a punitive one. He would eliminate tax breaks for companies that send jobs overseas. The White

House says Obama wants to lower the tax rate for manufacturers here to 25 percent from 35 percent. Manufacturers shouldn't hold their breath. He's been advocating a corporate rate cut for years, but done little to enact it.

Meanwhile, spending on food stamps and disability payments has soared. And later this year, Obamacare is to arrive in full force. It is supposed to give families earning as much as \$80,000 a year a subsidy to buy health insurance.

Obama has paid practically no political price for redistribution and slow growth. He still talks about fixing the economy as if no one should have expected anything better. The public hasn't rebelled, and Republicans have failed to make growth a salient issue. It's time they did.

—Fred Barnes

Chilladelphia

On March 18, 2008, presidential candidate Barack Obama gave a speech on race in America at Philadelphia's Constitution Center. Though many praised the president for addressing the thorny topic, it's worth recalling Obama was essentially forced into giving the speech after refusing to distance himself from the indefensible racial comments of his pastor, Jeremiah Wright. One month after Obama's eventual inauguration, his attorney general, Eric Holder, would call America a "nation of cowards" because "Americans simply do not talk enough with each other about race." The problem, however, is not that Americans don't talk enough about race. The wellspring of American liberalism that produced Barack Obama and Eric Holder hasn't stopped talking about it for decades.

Increasingly, the problem is that institutional liberalism is dedicated to using the force of law to silence anyone who wants to have a politically inconvenient conversation on race—or anything else, for that matter. Last month, almost five years to the day since the president's speech on race, the City of Brotherly Love once again became the locus of our national conversation. Mayor Michael Nutter fired off an angry—and lengthy—letter taking *Philadelphia* magazine to task for an article entitled "Being White in Philly." In the piece, a number of white residents complained that viewing the city through a racial prism made it hard to address civic problems. According to Nutter, the article "aggregates the disparaging beliefs, the negative stereotypes, the ignorant condemnations typically and historically ascribed to African-American citizens into one pathetic, uninformed essay quoting Philadelphia residents."

Nutter is entitled to his opinion. What the mayor is not entitled to do is go after others for expressing theirs. In February, *THE WEEKLY STANDARD* published "The Sensitivity Apparatus," chronicling the chilling growth and

activism of state and local "human rights" or "civil rights" commissions around the country, which have been imposing fines and threatening ordinary citizens for such crimes as expressing Christian moral views or publicly making jokes about politicians. With that in mind, here is the conclusion to Nutter's letter:

I therefore request that the Philadelphia Commission on Human Relations . . . consider specifically whether *Philadelphia* magazine and the writer, Bob Huber, are appropriate for rebuke by the Commission in light of the potentially inflammatory effect and the reckless endangerment to Philadelphia's racial relations possibly caused by the essay's unsubstantiated assertions.

While I fully recognize that constitutional protections afforded the press are intended to protect the media from censorship by the government, the First Amendment, like other constitutional rights, is not an unfettered right, and notwithstanding the First Amendment, a publisher has a duty to the public to exercise its role in a responsible way. I ask the Commission to evaluate whether the "speech" employed in this essay is not the reckless equivalent of "shouting 'fire!' in a crowded theater," its prejudiced, fact-challenged generalizations an incitement to extreme reaction.

There you have it. *Philadelphia* magazine now faces the threat of fines and other legal sanctions for publishing an article the mayor dislikes. If anyone thought "Being White in Philly" was unconvincing in its claim that you can't have frank discussions about race in the city, well, we now know how right it was. And while *Philadelphia* magazine's article is hardly above criticism, nothing in the essay is as racist as Mayor Nutter's assertion that merely reading about stereotypes will lead to panic and violence.

It seems unlikely that Philly's Human Relations Commission will hesitate to sit in judgment of a member of the local media. The commission posted this note to its Facebook page last week: "NPR has been running a damaging, poorly-researched series, claiming without facts that disabled people are choosing benefits when they could be working. This has already gone viral on right-wing media—we need to correct the record!" National Public Radio's oft-cited report suggesting some of the 14 million Americans on disability might be gaming the system was neither unconvincing nor controversial. But if Philadelphia's Human Relations Commission senses a right-wing conspiracy at NPR, what hope does *Philadelphia* magazine have of being fairly investigated?

The Philadelphia Human Relations Commission has asked *Philadelphia*'s editor to appear at its next meeting, on April 18, but the idea of a media outlet kow-towing to the mayor's bureaucratic junta should be offensive to American—and liberal—notions of free speech. An example must be made, and the swift, unanimous public condemnation of Nutter and his board of censors is in order to keep the plague of Orwellian "civil rights" commissions from metastasizing.

—Mark Hemingway

Less Is More

Mandatory minimum sentences should be minimized.

BY ELI LEHRER



Hardly anyone who takes a close look at the network of federal and state laws mandating minimum prison sentences for myriad offenses can doubt that they waste billions of dollars, destroy lives, and do a disservice to justice. Reading the stories assembled by groups like Families Against Mandatory Minimums, one cannot help but feel sympathy for those caught up in the system. All over the country, clueless drug couriers, desperate addicts, small-time hoods without anyone to rat out, and other miscreants are serving years

Eli Lehrer is president of R Street.

or even decades in prison because of mandatory minimums.

But while the current sentencing regime has huge flaws, abolishing all mandatory minimums would be a mistake. A look at the history of mandatory minimum sentences, their effects on crime, their social functions, and some recent policy successes suggest instead a “third way.” Rather than abolishing mandatory prison sentences for many crimes, they should instead be made shorter; in some cases, much shorter.

While mandatory minimum sentences are attached to most offenses under the civil law systems that

prevail in the non-English-speaking world (as well as in Louisiana), they arrived in the United States only recently. Through the early 1980s, nearly all American crimes carried “indeterminate” sentences. Although practices differed between jurisdictions, indeterminate sentencing typically meant that offenses would carry a broad advisory range of time in prison (say, 5 to 20 years) that judges could and did disregard based on circumstances. Parole boards, furthermore, could often release offenders after they served only a fraction of the *low end* of this sentence. Thus, in places like California, a tough-sounding “20-year” sentence for a violent felony might have meant just a year or two if an inmate behaved well behind bars and participated in educational programs.

As crime rose nearly every year between the 1950s and 1980s, these practices produced understandable outrage. They let many serious criminals out of prison far too easily. Moreover, they appeared discriminatory and sometimes were: Wealthy, educated, and, more often than not, white offenders would sometimes avoid time behind bars altogether, even when they committed the same crimes as poorer, less-educated, and minority counterparts.

Mandatory minimums thus confronted real public policy problems. Coupled with policies that replaced discretionary parole boards with mechanical “good time” systems that reduced sentences by a set amount each day an inmate stays out of trouble, they assured that the length of sentences actually served bore a resemblance to those specified in statute.

For the most part, the changes worked as intended. As prison populations skyrocketed—partly owing to mandatory minimum laws—crime fell and the worst offenders started spending more time behind bars. A major 2009 regression analysis of California’s “three strikes law”—which mandates life in prison with almost no possibility of early release for people who commit three felonies—showed that it had significantly lowered overall crime. While access to better legal counsel no doubt continues to place the well-off

GARY LOCKE

at an advantage in the criminal justice system, mandatory minimums assure that even the richest and best-connected defendants no longer avoid the sentences that less-fortunate offenders receive as a matter of course.

Just as important, wider use of prison sentences allows for appropriate levels of retribution, the practice of punishing offenders for the harm they inflicted on society. Retributive justice—long recognized as a major function of the criminal justice system, along with incapacitation, rehabilitation, and deterrence—is largely absent from the other three types of sentences (fines, community supervision, and community service) available to judges. While fines obviously deprive an offender of resources and may deter certain crimes, they rarely repair the damage done by a crime and generally aren't paid anyway.

Community service, particularly oriented towards helping those harmed by one's crime (so-called "restorative justice," often considered a fifth major purpose of the criminal justice system), can and should play a larger role in sentencing than it does, but, like fines, does not serve society's interest in retribution. Even when it involves objectively unpleasant tasks like picking up garbage, community service is a socially admirable thing that many do voluntarily. Community supervision, parole, and probation also deserve broader use and can incapacitate, but don't carry nearly the sting of prison time. Particularly for people who commit one or two awful acts (say, smuggling heroin as a favor to a lover or killing someone while driving drunk) but haven't lived a life of crime, simply meeting with a probation officer, submitting to drug tests, and observing a curfew is more an inconvenience than a punishment.

And thus, there seems to be a paradox. Mandatory minimums can have horrible consequences but have helped to reduce crime, increase fairness, and satisfy standards of retribution. This doesn't mean the current system of mandatory minimums should remain in place. Indeed, one recent innovation appears to offer a happy medium that

would retain most of the good effects of mandatory minimums while reducing the bad ones: a practice called "swift and certain sanctions."

Such "swift and certain" regimes, used largely for people on parole and probation, sentence offenders to very *short* stays in prison—often only a weekend—when they fail a drug test or get caught hanging out with criminal buddies. This contrasts with traditional parole and probation systems that allow multiple violations with no serious consequences but, at some point, send offenders back behind bars to serve out multiyear sentences.

"Swift and certain" plans have resulted in enormous increases in

'Swift and certain' sentencing plans have resulted in enormous increases in compliance with parole and probation conditions, reduced crime, and, by replacing long sentences with short ones, saved millions of dollars in incarceration costs.

compliance with parole and probation conditions, reduced crime, and, by replacing long sentences with short ones, saved millions of dollars in incarceration costs. The research on these programs done by the National Institute of Justice and Pew Charitable Trust's Public Safety Performance Project strongly suggests that incarceration has a rather low "minimum effective dose," to use the medical term. A little time in jail can actually be *more* effective in producing socially desirable outcomes than a long stay in prison, so long as the punishment is relatively certain.

Applying the same type of standard to criminal laws on the front end of the system could produce similarly beneficial results. The social harm from mandatory minimums—at least for less serious offenders—comes mostly from their length. The financial costs

of imprisonment accrue with each day prisoners spend behind bars. The personal costs to prisoners grow progressively more significant over longer and longer sentences. Any sentence of more than a month or two makes it impossible to hold onto a job. All but the strongest personal relationships, likewise, will end after more than a year or two behind bars.

On the other hand, the deterrent and retributive effects of prison for people who aren't ensconced in the underworld are significant even with a short sentence. The amount of social disgrace aimed at stockbrokers and lawyers who are locked up is roughly the same whether they serve one month or one year. Likewise, nearly every prison memoir recounts a common experience that the simple shock of being locked up quickly wears off, and much of the real "punishment" happens in the first few days and weeks behind bars.

This would suggest a partial revision of criminal laws that's somewhere between the mandatory minimum system of today and the almost purely discretionary system that prevailed before the 1980s. Under such a system of "minimum minimums," almost all offenses that currently carry a mandatory minimum would still require some time behind bars. On the other hand, the minimum sentences in question, particularly for nonviolent offenders like embezzlers and drug couriers, would be much shorter. To emphasize the retributive character of imprisonment for nonviolent offenses, judges might be encouraged to make greater use of practices that schedule sentences in ways that maximize punishment while reducing costs to society. A student caught dealing cocaine in a college dorm, for example, might get sentenced to spend spring break or summer vacation in jail.

These short, sometimes shocking prison sentences would serve both to punish offenders and deter future crime. But they would do so without destroying lives or warehousing human capital, as the current regime of mandatory minimum prison sentences is doing. ♦

Health Costs Will Never Be Contained

When antidiscrimination law meets infertility treatment mandates. **BY WESLEY J. SMITH**



Okay, but who pays?

Should health insurers be legally required to offer infertility treatment for gay couples? Yes, according to a bill (AB 460) filed in the California legislature by assemblyman Tom Ammiano (D-San Francisco). In fact, refusing to do so should be a crime.

Current California law requires group health plans to offer coverage for infertility treatments with the exception of in vitro fertilization (IVF). If such coverage is purchased, benefits must be paid whenever “a demonstrated condition recognized by a licensed physician and surgeon as a cause for infertility” has been diagnosed—or upon “the inability to conceive a pregnancy or to carry a

pregnancy to a live birth after a year of regular sexual relations without contraception.” Thus, under current law, diagnosis of a physical reason for the inability to conceive or sire a child is not required. It is enough that a couple tried to get pregnant for a year and failed.

According to the fact sheet supporting AB 460, the trouble is that some insurance companies “are not complying with current law that prohibits discrimination” based on sexual orientation. Instead, they are denying infertility treatment benefits “based on [the policy holder’s] not having an opposite sex married partner in which to have one year of regular sexual relations without conception.” AB 460 would amend the law to add the following language:

Coverage for the treatment of infertility shall be offered and provided without discrimination on the basis of

age, ancestry, color, disability, domestic partner status, gender, gender expression, gender identity, genetic information, marital status, national origin, race, religion, sex, or sexual orientation.

But what does this blanket anti-discrimination language mean in the context of a gay or lesbian individual or couple? AB 460 maintains the existing two-pronged approach to determining infertility for purposes of requiring coverage, that is, either a “demonstrated condition” that causes infertility “or” the “inability to conceive a pregnancy . . . after a year or more of regular sexual relations.”

This raises a cogent question: Could AB 460 be construed to require insurance companies to pay for infertility treatments for gay couples simply because their sexual unions cannot produce children? For example, might the law require that insurance pay for an insured lesbian’s artificial insemination, even if she is fecund, based solely on her choice not to have heterosexual intercourse?

It would seem so. There is no requirement that actual infertility be diagnosed. Nor is there a requirement that the gay “infertile” patient seeking coverage for treatment have tried and failed to conceive or sire a child through any heterosexual means, whether natural or artificial. Moreover, the bill would still define infertility as engaging in sexual intimacy without conceiving for one year, regardless of whether the relations were heterosexual or homosexual. Indeed, the bill has been filed precisely because the one-year definition purportedly has been applied in a discriminatory fashion by insurance companies to the detriment of gay individuals and couples who want to have children.

And that raises another question. Would the law require a health insurance plan covering infertility treatment to pay for a surrogate pregnancy for a male couple? How about the costs of egg donation? The legislation is silent. But using egg donors and surrogates is common in the treatment of infertility. Since a birth mother is required for a man to have a

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baby, couldn't the law be construed as requiring a gay man's health insurance to pay for a surrogate pregnancy?

Indeed, that is the point, Carlos Alcalá, a spokesman for Ammiano, told me: "Anything that is covered by an insurance plan must be covered for everyone. . . . If a plan covers egg donation costs for a heterosexual couple unable to conceive without it, it would have to cover those costs for a gay male couple as well."

Under the proposal, then, every gay individual or couple—remember, no discrimination on the basis of marital or domestic partner status—could be construed as infertile, with group insurance required to pay for the individual or couple to have a child.

Nor is the bill really about equality. If it merely provided coverage for gays and lesbians with physiological fertility problems, that would guarantee equal access to medical treatment. But AB 460 would create a special right, since heterosexual individuals or couples would still have to demonstrate

biological infertility—through either diagnosis or failed attempts—while gays and lesbians would be deemed legally infertile solely by reason of their sexual orientation. Needless to say, this would push health costs higher.

AB 460, of course, does not arise in a social vacuum. It reflects the modern tendency to use health care law to enact social policy. In the United Kingdom, for example, the National Health Service provides IVF (which in the United States typically costs between \$12,000 and \$15,000) to women up to age 42 free of charge, even though aging naturally reduces fertility from the late thirties on. As under AB 460, lesbians in the United Kingdom are entitled to receive a sophisticated form of artificial insemination at no cost as a means of erasing discrimination based on sexual orientation.

In this country, the Affordable Care Act already requires religious organizations and private business owners to provide free contraception, sterilization, and abortifacient coverage for

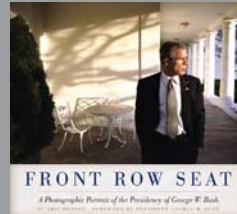
employees even when doing so violates the organization's or employer's religious beliefs. That mandate is being challenged in court, and according to legal briefs filed in support of it by the Obama Department of Justice, one of its primary purposes is to promote "gender equality."

Contraception won't be the end of using Obamacare as a means of social engineering. Remembering that what happens in California doesn't stay in California, it is easy to imagine Health and Human Services secretary Kathleen Sebelius holding a press conference to announce that henceforth, all insurance policies will be required to cover infertility treatments, "without discrimination on the basis of age, ancestry, color, disability, domestic partner status, gender, gender expression, gender identity, genetic information, marital status, national origin, race, religion, sex, or sexual orientation." Indeed, it is probably a matter not of "whether," but of "when." ♦



Front Row Seat

A Photographic Portrait of the Presidency of George W. Bush



BY ERIC DRAPER
FOREWORD BY PRESIDENT
GEORGE W. BUSH

With an extraordinary collection of images, many never before published, Chief White House Photographer Eric Draper presents

a compelling, behind-the-scenes view of the entire presidency of George W. Bush, from dramatic events such as 9/11 to relaxed, intimate moments within the Bush family.

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My Cousins, the Syphaxes

A very American story.

BY **KEN JENSEN**

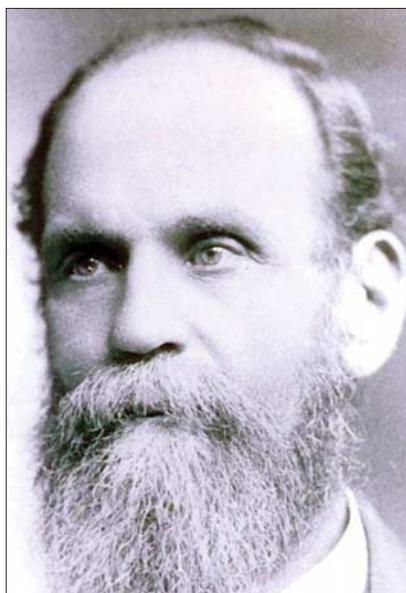
I was charmed by Lee Smith's "Dreams from My Mother" Casual a few issues back. The main delight was learning that Smith was a multiethnic "mutt" like myself and most of the rest of Americans whose families have been here more than a generation or two.

Henry Louis Gates's PBS genealogy series last year, *Finding Your Roots*, although interesting, seemed to me intended to tell us that we aren't who we think we are, especially those of us who pass for Anglo-Saxons or African Americans. It was more like "gotcha" than a celebration of salutary ethnic diversity. You know: "the melting pot."

Here's why I celebrate. Having grown up half Danish and thinking the other half (which turned out to be a quarter) was second-Mayflower English or otherwise (maybe Austrian), I discovered in 2009 that I'm an eighth African-American and a sixteenth Jewish. I was tickled enough to learn this. I thought, "Well, why not? So what if your ancestors founded Sudbury (Massachusetts), Newark, and Yale? So what if Moses Pierson beat back Canadians and Indians at Shelburne on Lake Champlain in 1778? Part of you is also black and from Northern Virginia, via New Orleans, and another part from Habsburg lands. How cool is that?"

That was not, however, the end of the coolness. In June 2009, the African-American Syphax family from the Washington, D.C., area found me and told me my exact place in the family tree. It turned out that the Syphaxes were descended from Mt.

Vernon slaves and that my great-great-great-grandmother, Nancy Syphax, had been a slave at Decatur House on Lafayette Square until emancipation. Her daughter Margaret, for reasons



Peter Joseph

unknown, ended up a slave in New Orleans. Margaret was purchased in the late 1830s by a Galician Jew named Spaero Joseph Narravich. He also purchased their son, Peter Joseph (still in the womb), my great grandfather. Narravich deserted the family fairly quickly, and his son dropped the name Narravich in disgust.

Now, Joseph lived in New Orleans from 1842 to 1890. Although he was fair-skinned (and looked exactly like me), he lived as a black man. After an impoverished youth, he served in a black regiment during the Civil War. I've seen his veteran's records, in which he professed that he'd been

"conceived a slave and born free."

During Reconstruction, he became a significant political figure in Louisiana. He was part of the cast at the French Opera House (he lived next door) and one of the four police captains. And he also started a successful construction business.

In 1876, Joseph was a Republican presidential elector in Louisiana. In the electoral vote of that year, Rutherford B. Hayes beat Samuel Tilden 185-184. Joseph enhanced his reputation afterwards by telling the press he'd been offered a \$100,000 bribe by the Tilden camp to change his vote. This he refused to do.

Joseph moved his wife, six daughters, and my maternal grandfather to Denver in 1890, where he continued to build things. Unbelievably, he sent all of his children to college, my grandfather to Georgetown even.

Now that's enough of a story to delight any mutt. But it's hardly all: Peter Joseph was just one Syphax. In due course, I learned that slave Ariana Carter Syphax bore a child named Maria Carter Syphax by George Washington Park Custis (Martha Washington's grandson), who, honorably, raised her and his legitimate daughter as equals. The latter married Robert E. Lee. Lee gave Maria 16.5 acres of his estate to live on during her lifetime. It was confiscated by the Federals in due course, and I still haven't figured out where exactly it was in what's now Arlington Cemetery. The Syphaxes were a big deal in D.C.'s black school system during Reconstruction, with William Syphax presiding over all.

The last two Syphax generations have been full of notables. Take, for example, Burke Syphax, who died just a few years ago at 99 and earned a half-page obituary in the *Washington Post*. Burke trained most of the black surgeons in Washington, D.C., at Howard University and became, in time, the first black president of the American College of Surgeons and the first black president of the American Red Cross. The late Julian Dixon of California, chairman of the Congressional Black Caucus, turns out to be my fifth

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KEN JENSEN

cousin. You can throw in with the rest my cousin Edward Gleed, a Tuskegee airman. And there's much more: anything you can imagine, in fact.

Now, I submit that one wouldn't be an American if he weren't pleased to find such things out, even after being regaled for years about one's ties to Danish stonemasons and Anglo-American notables. Of course, none of this makes one anything of what one really is, but all stories like this do say an awful lot about America, and with recognition of such family history comes, I submit, gratefulness.

In case you're wondering where the name Syphax comes from, take a look at Livy's *Ab Urbe Condita* and read about the king of the ancient Algerian tribe Masaesyli of western Numida during the last quarter of the 3rd century B.C. Cousin Vincent assures me that we're direct descendants of the king.

Next stop: finding out about my largely unknown Danish family. Question: Is there a Brahe (as in Tycho) or a Kierkegaard (as in Søren) or (what would be best of all) a Rosenbaum (as in Victor Borge) in the woodpile? ♦

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High Prices

Lessons from the marijuana market.

BY JOSHUA GELERNTER



Tax-free tokin' in Seattle—for now

The economist Leonard E. Read once explained the effectiveness of free markets with the parable of the pencil: Pencils seem simple enough, just some wood with graphite inside and a bit of rubber at the end—but, he said, “no one in the world knows how to make a pencil.”

To get the wood you have to harvest trees, which requires tools, which requires steel, which requires iron ore, and so forth. To get the graphite, you have to mine some things and do chemistry to them. To make the eraser you have to get rubber from the South Pacific, ship it over here, get some glue and a brass joining strip, stick them on the end of the pencil—and then, of course, you still have to paint the thing yellow. It's very complicated, Read said, and with the tree-cutter toolmakers, miners, and everyone else, thousands of people are involved. But the end result is available for a dime at any drugstore, and the entire process emerged without any government planning.

With thousands of new regulations spilling out of government agencies, it's a good time to reflect on what private

citizens can get done on their own. On its busiest day of the year, UPS delivered 300 packages a second, at a profit, while the USPS was fighting off bankruptcy, again. SpaceX was getting ready to make another private delivery to the International Space Station, while NASA was booking flights on Soyuz. New York City was banning 32-ounce drinks while private citizens were inventing bacon-flavored soda.

Last November, two of our states—Colorado and Washington—asserted their independence from federal regulation by legalizing recreational marijuana. Of course, lots of Americans—42 percent of them—have, at one time or another, smoked marijuana, whether it was legal or not. And that presents us with a remarkable and underappreciated, pencil-esque demonstration of the effectiveness of markets.

Without any government assistance—indeed, despite the government doing its best to thwart the trade—anyone, anywhere in the country can get marijuana. And it's not difficult. If, like me, you're in your early 20s, plenty of people you know smoke marijuana and would be happy to introduce you to a dealer. If you're older, you can

Joshua Gelernter is a writer in Connecticut.

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make the connection through your friends or your friends' friends, or your kids or your friends' kids. But no matter where you are, a supplier can be found: A website called priceofweed.com allows users to submit records of their recent marijuana transactions—those records show people are buying and selling in every corner of every state in the union. The price varies, but on average marijuana is cheapest in California and the Pacific Northwest, and most expensive in the Dakotas and New England; taking the country as a whole, you can get a gram of weed for about 10 dollars. A gram is estimated to be good for 5 or 10 beers' worth of intoxication.

So, with not very much effort, for not very much money, anyone can flout the law and avail himself of a thriving, extragovernmental enterprise. The underground grass game shows us (one more time) that where a demand exists, a supply will appear, no federal subsidy required. And since the transactions are voluntary and not burdened

by excessive regulation, the price settles at a point where the seller and buyer are both pleased, and (I am told) a good time is had by all.

People speculate that legalization will drive the price of marijuana down—one journalist guessed it would end up at about 20 cents a pound. Because, after all, cannabis is a hardy plant that doesn't cost much to grow—how expensive could the final product be, when no one needs to hide from the DEA anymore? But, of course, the same can be said of tobacco. Legalization would undoubtedly reduce the cost of production, but don't be sure it'll reduce the cost of sale: After all, in New York City, a pack of cigarettes—20 paper tubes filled with dried leaves—costs a mind-boggling \$15.

Once a share of all marijuana sales is given over for depressing health advertisements and punitive taxes, who knows what the price will be? For the moment it's low in Washington and Colorado, but the regulation debates have just begun. Everyone believes that

legalization will make buying marijuana more convenient. But who can be sure? What if legalization means potheads have to forgo the convenience of home delivery for schleps to government authorized distributors? Maybe they'll have to remember to bring their drug smoking licenses. (Probably not. But not long ago all guns were sold over-the-counter.)

And when legalization comes, taxes won't be far behind. The Washington state initiative was passed amid estimates that legalized pot would soon bring the state over half a billion dollars in new tax revenues. Pro-legalization congressmen like Earl Blumenauer of Oregon have already touted the idea of federal marijuana excise taxes that would bring in billions to Washington, D.C.

The irritating burdens of the modern state mean that legalization—with its attendant regulations, taxes, and federal oversight—may do more to discourage marijuana smoking than scattershot law enforcement does now. ♦

We Need Spending Restraint, Not Tax Hikes

By **Thomas J. Donohue**

President and CEO
U.S. Chamber of Commerce

As Tax Day looms, American families and employers are keenly aware of the deep cut the government is taking out of their household incomes and hard-earned profits. A heavy tax burden means that consumers have less to spend in the economy and businesses have less for hiring, expanding, and investing.

When taxes go up, the rate of economic growth goes down. And even though economic growth is what we badly need to hasten our recovery, many leaders in Washington are hungry for even more tax revenue. Some still champion a big government agenda that requires greater resources to implement more programs. To pay for it, Senate Democrats recently passed a budget with another \$1.5 trillion in tax hikes. Some lawmakers are also calling for higher revenue to address our \$16 trillion debt and trillion-dollar annual deficits. Rather

than scale back the agenda or look for serious savings, they believe that the answer is to simply raise taxes, not slow spending.

To keep our economy humming and put the government back on sound fiscal footing, we must undertake comprehensive tax reform and exercise real spending restraint through fundamental entitlement reform.

Comprehensive tax reform should broaden the tax base and simplify compliance. The U.S. corporate tax rate—one of the highest in the world—must be lowered so that American companies can compete in the global economy. Likewise, businesses that file their taxes as individuals suffer from some of the highest rates among developed economies—they also need relief in the form of lower rates. Finally, it is important that we move to a territorial system so that American companies operating overseas aren't taxed twice on their earnings—once at home and once abroad.

Tax reform must be done in conjunction with spending restraint—and there is

no greater driver of deficit spending than our entitlement programs. Spending on Medicare, Medicaid, and Social Security already accounts for nearly 58% of all federal spending. If Congress doesn't act, within a few decades, automatic spending will consume virtually all of what the government collects. These programs must be reformed so that they are solvent for future generations and don't drive our nation to bankruptcy. The sooner we make commonsense reforms, the less painful the changes will be.

Some leaders in Congress have signaled their support for undertaking comprehensive tax reform. Still others are at least willing to talk about entitlement reform, which is a big step forward. It's up to the business community to keep the pressure on Washington to make the tough decisions now.



U.S. CHAMBER OF COMMERCE
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King of Fearmongers

*Morris Dees and the Southern Poverty Law Center,
scaring donors since 1971*

BY CHARLOTTE ALLEN

Last August a 28-year-old gay-rights volunteer named Floyd Corkins entered the office lobby of the Family Research Council (FRC), a Christian traditional-values group headquartered in Washington that condemns homosexual conduct and opposes same-sex marriage. Corkins took a gun from his backpack and fired three shots at building manager Leo Johnson, one of them wounding the unarmed Johnson in the arm before he wrested the gun from Corkins. On February 6 Corkins pleaded guilty to three felonies: committing an act of terrorism while armed, interstate transportation of a firearm and ammunition (he had bought the weapon in Virginia), and assault with intent to kill while armed. He faces a sentencing hearing on April 29 that could include up to 70 years in prison. According to federal prosecutors' statements in court documents, Corkins told investigators that he had intended to kill Johnson and numerous other FRC employees. His backpack contained 15 sandwiches from the fast-food chain Chick-fil-A, whose founder, S. Truett Cathy, contributed through his family foundation to several organizations opposed to gay marriage, including the FRC. According to prosecutors, Corkins said he had planned to smear the faces of the dead FRC employees with the sandwiches once his shooting spree ended.

Corkins found out about the FRC from the ever-expanding (at least in recent years) list of "hate groups" tracked on the website of the Southern Poverty Law Center (SPLC), a civil-rights behemoth bursting with donor cash headquartered in Montgomery, Alabama. Cofounded in 1971 by Morris S. Dees Jr. and Joseph Levin Jr. (who is now general counsel), the SPLC started out fighting legal

battles against lingering segregation in the South. More recently—and more lucratively, its critics say—it has transformed itself into an all-purpose antihate crusader, labeling 1,007 different organizations across America at last count as "anti-gay," "white nationalist," "anti-Muslim," "anti-immigrant," or just plain hateful (one SPLC category is "general hate"). The SPLC put the FRC on its list of "anti-gay" organizations in 2010, and the SPLC's "Hate Map" page, whose banner displays men in Nazi-style helmets giving Sieg Heil salutes, lists the FRC among 14 hate groups headquartered in the District of Columbia. The Hate Map

doesn't include the groups' street addresses, but those typically take only a few seconds to find with Google. Besides the chicken sandwiches and some 50 rounds of ammunition found on Corkins's person was the address of the Traditional Values Coalition, another D.C.-based "anti-gay" group listed on the SPLC's Hate Map.

At the time of the shooting, FRC president Tony Perkins lost no time doing a sort of reverse

Sarah Palin on the SPLC. Liberal columnists and bloggers had blamed Palin—"blood is on [her] hands," wrote one—for the near-fatal shooting of former Arizona representative Gabrielle Giffords near Tucson in 2011 because Palin had earlier placed Giffords on a "target list" of House Democrats to be defeated for reelection. (The Tucson gunman, Jared Lee Loughner, who killed six people in the crowd at Giffords's event, turned out to be a schizophrenic whose politics, insofar as they could be determined, leaned left.) "The Southern Poverty Law Center is dangerous," Perkins declared on his nightly radio show on February 6. "They are inciting hatred, and in this case a clear connection to violence. They need to be held accountable, and they need to be stopped before people are killed because of their reckless labeling and advocacy for homosexuality and their anti-Christian stance."

Of course, it was as ridiculous to blame the SPLC for Corkins's rampage as it had been to blame Palin for



Charlotte Allen, a frequent contributor to THE WEEKLY STANDARD, last wrote on Attorney General Eric Holder.

JASON SEILER

Loughner's. Still, there was a delicious irony to savor: The "anti-hate" SPLC had unwittingly revved up someone who carried out an act that was unequivocally a hate crime: a potentially murderous vendetta against a group of people predicated solely on the religious and political views that they happened to hold.

Irony turns out to be what the SPLC is all about. Thanks to the generosity of four decades' worth of donors, many of whom—as SPLC president Richard Cohen himself noted in a telephone interview with me—are aging Northern-state "1960s liberals" who continue to associate "Southern" and "poverty" with lynchings, white-hooded Klansmen, and sitting at the back of the bus, and thanks also to what can only be described as the sheer genius at direct-mail marketing of Dees, the SPLC's 76-year-old lawyer-founder, who was already a multimillionaire by the late 1960s from the direct-mail sales of everything from doormats to cookbooks, the SPLC is probably the richest poverty organization in the history of the world. From its very beginning the SPLC, thanks to Dees's talent for crafting multi-page alarmist fundraising letters, has not only continuously operated in the black, but has steadily accumulated a mountain of surpluses augmented by a shrewdly managed investment portfolio. Today the SPLC's net assets total more than \$256 million (that figure appears on the SPLC's 2011 tax return, the latest posted on the organization's website). That represented a more-than-doubling of the \$120 million in net assets that the SPLC reported in 2000, which was itself more than a doubling of the \$52 million in net assets that the SPLC reported during the mid-1990s.

So impressed was the Direct Marketing Association in 1998 with Dees's superb fundraising talents that it inducted him into its Hall of Fame, where he shares honors with Benjamin Franklin, first postmaster general, and catalogue retailer L. L. Bean. The SPLC's sprawling two-story concrete-and-glass headquarters in downtown Montgomery bore the nickname "Poverty Palace" among locals—until the mid-2000s, when the center, whose staff had grown to more than 200 (including 34 lawyers), moved into a fortress-like six-story office building that it had commissioned. The new SPLC building, a postmodernist parallelepiped faced in steel and black glass, has been variously described by its critics as a "small-scale Death Star" and a "highrise trailer."

The SPLC turned the original Poverty Palace into a museum that complements another of its Montgomery monuments, the Civil Rights Memorial, where an imposing granite circle designed by Maya Lin, architect of the

Vietnam Veterans Memorial in Washington, records the names of such iconic martyrs to the civil rights cause as Medgar Evers and Martin Luther King Jr., neither of whom was ever a client of the SPLC. In 2010 the *Montgomery Advertiser* published a 60-photo online slideshow of Morris Dees's lavishly appointed neo-Mediterranean home, whose eclectic architectural and interior-decor influences seemingly included the Alhambra, David Hockney's swimming-pool paintings, the Etsy home page, and a 1970s shag-rug revival. In one slide Dees's fourth wife, artist and weaver Susan Starr, modeled a floor-length evening coat that she had stitched out of transparent vinyl sheeting and fake fur.

This leads to yet another SPLC irony: Its severest critics aren't on the conservative right (although the Federation for American Immigration Reform, another "hate group" on the SPLC's list, has done its fair share of complaining), but on the progressive left. It may come as a surprise to learn that one of the most vituperative of all the critics was the recently deceased Alexander Cockburn, columnist for the *Nation* and the leftist webzine *CounterPunch*. In a 2009 article for *CounterPunch* titled "King of the Hate Business," Cockburn castigated Dees and the SPLC for using the 2008 election of Barack

Obama as America's first black president as yet another wringer for squeezing out direct-mail donations from "trembling liberals" by painting an apocalyptic picture of "millions of [anti-Obama] extremists primed to march down Main Street draped in Klan robes, a copy of *Mein Kampf* tucked under one arm and a Bible under the other." Cockburn continued: "Ever since 1971 U.S. Postal Service mailbags have bulged with Dees' fundraising letters, scaring dollars out of the pockets of trembling liberals aghast at his lurid depictions of hate-sodden America, in dire need of legal confrontation by the SPLC."

Cockburn was following on the heels of Ken Silverstein, who in 2000 wrote an article for the reliably liberal *Harper's* magazine titled "The Church of Morris Dees." Silverstein accused the SPLC of manufacturing connections between the "hate groups" that it highlighted in its numerous mailings—back then the groups on the SPLC list tended to be mostly fringe militia organizations—and the Columbine-style school shootings and a wave of black-church arsons during the 1990s that were a staple of the SPLC's direct-mail panic pleas. "Horrorifying as such incidents are, hate groups commit almost no violence," Silverstein wrote.

Thanks to the generosity of four decades' worth of donors (many of whom are aging Northern-state '1960s liberals'), the SPLC is probably the richest poverty organization in the history of the world.

“More than 95 percent of all ‘hate crimes,’ including most of the incidents SPLC letters cite (bombings, church burnings, school shootings), are perpetrated by ‘lone wolves.’ Even Timothy McVeigh [perpetrator of the 1995 bombing of a federal building in Oklahoma City that killed 168 people], subject of one of the most extensive investigations in the FBI’s history—and one of the most extensive direct-mail campaigns in the SPLC’s—was never credibly linked to any militia organization.”

Silverstein followed up with more of the same in a 2007 blog post for *Harper’s*: “What [the SPLC] does best . . . is to raise obscene amounts of money by hyping fears about the power of [right-wing fringe] groups; hence the SPLC has become the nation’s richest ‘civil rights’ organization.” In 2001 JoAnn Wypijewski wrote in the *Nation*: “Why the [SPLC] continues to keep ‘Poverty’ (or even ‘Law’) in its name can be ascribed only to nostalgia or a cynical understanding of the marketing possibilities in class guilt.” Silverstein had already noted in his 2000 *Harper’s* article that “most SPLC donors are white.”

What has infuriated the SPLC’s liberal critics is their suspicion that Morris Dees has used the SPLC primarily as a fundraising machine fueled by his direct-mail talents that generates a nice living for himself (the SPLC’s 2010 tax filing lists a compensation package of \$345,000 for him as the organization’s chief trial counsel and highest-paid employee) and a handful of other high ranking SPLC officials plus luxurious offices and perks, but that does relatively little in the way of providing the legal services to poor people that its name implies.

CharityWatch (formerly the American Institute of Philanthropy), an independent organization that monitors and rates leading nonprofits for their fundraising efficiency, has consistently given the SPLC its lowest grade of “F” (i.e., “poor”) for its stockpiling of assets far beyond what CharityWatch deems a reasonable reserve (three years’ worth of operating expenses) to tide it over during donation-lean years. But even if the SPLC weren’t sitting on an unspent \$256 million, according to CharityWatch, it would still be a mediocre (“C+”) performer among nonprofits. The SPLC’s 2011 tax filing reveals that the organization raised a total of \$38.5 million from its donors that year but spent only \$24.9 million on “program services,” with the rest going to salaries, overhead, and fundraising. And even that 67 percent figure is somewhat inflated, according to CharityWatch, which notes that the SPLC takes advantage of an accounting rule that permits nonprofits to count

some of their fundraising expenses as “public education” if, for example, a mailer contains an informational component. CharityWatch, ignoring that accounting rule, maintains that only 60 percent—about \$19 million—went to program services during the year in question. The SPLC’s 2011 tax return reveals that the organization spent \$1.6 million (aside from salaries) on litigation-related costs that year, in contrast to the \$7.8 million it spent on “professional fundraising services,” “postage and shipping cost,” “printing & lettershop,” and “other development cost.”

Furthermore, the SPLC spends a relatively high \$26 on fundraising (according to CharityWatch, \$18 according to the SPLC) for every \$100 that it manages to raise. Compare that with the “B+” rated American Civil Liberties Union

(ACLU), where 78 percent of the budget goes to program services and \$20 is spent for every \$100 raised or to the “A-” rated ACLU Foundation (79 percent going to program services and only \$11 spent to raise \$100). True, the ACLU has net assets comparable to those of the SPLC, \$254 million according to a fiscal 2012 financial statement, but it spends a full \$111 million a year on program services. People who want to support a litigation-minded liberal organization and see a higher percentage of their donations actually spent on

the causes they support might be better off giving to the ACLU—or to some shoestring civil rights nonprofit that actually needs the donor’s money.

In 1995, when the SPLC had amassed \$52 million in net assets, the *Montgomery Advertiser* published a Pulitzer-nominated investigative series about the organization, titled “Charity of Riches.” At that time the *Advertiser* concluded that the SPLC was spending only 31 percent of its revenue on program services and was essentially under the control of and subject to the fundraising whims of Dees. During the 1970s the SPLC had pursued several significant lawsuits enforcing the civil rights of African Americans. One suit had resulted in the racial integration of Alabama’s state police troopers, and another had led to a state redistricting that allowed black candidates to win seats in the state legislature for the first time in generations. But during the mid-1980s Dees decided to focus instead on suing the Ku Klux Klan and similar white-supremacist organizations. By then the Klan was moribund, with a membership that had declined from a peak of 4 million during the 1920s to about 5,000 members in 1980. But few of the Northern liberals who formed the bulk of Dees’s donor base seemed to know that. (Dees had used his letter-writing skills to raise

What has infuriated the SPLC’s liberal critics is their suspicion that Morris Dees has used the SPLC primarily as a fundraising machine fueled by his direct-mail talents.

\$24 million as a volunteer for George McGovern's Democratic presidential race in 1971-72, and he had received McGovern's campaign mailing list as a reward. He had also worked briefly on Jimmy Carter's 1976 presidential campaign and on Ted Kennedy's run for president in 1980.) The Klan made for hair-raising copy in Dees's mailings. One of his fundraising letters, quoted by the *Advertiser*, alluded to "armed Klan paramilitary forces [that] freely roam our wooded hills from Texas to North Carolina practicing with military-like weapons to 'kill niggers and Jews in a race war they are planning.'"

Letters such as this one generated tens of millions of dollars for the SPLC—but they also generated resentment among the lawyers who worked with Dees and complained that his fixation on donor money had crowded out the SPLC's traditional civil rights work. Early on, for example, the SPLC stopped handling death-penalty cases, even though opposition to capital punishment had been one of its early causes. (In 1975 Dees was one of the lawyers—and a major fundraiser—for Joan Little, a black inmate in North Carolina who had fatally stabbed a white jailer she said had been trying to rape her. Little's case became a progres-

sive *cause célèbre*, and she was eventually acquitted of murder charges. During the trial Dees was removed from the courtroom and briefly charged with suborning the perjury of one of the witnesses; although the charges were dropped, the trial judge refused to allow Dees back on the case.) In 1977, however, Dees abruptly pulled the SPLC out of another high-profile capital case, that of the "Dawson Five," black men accused of murdering a store customer during a robbery in rural Georgia. Millard Farmer, a veteran death penalty lawyer in Atlanta who got the charges dropped, said in a telephone interview that Dees had told him that fighting the death penalty wasn't making any money for the SPLC. "He said, 'We're going to cut the money off,'" Farmer recalled. "He said, 'We'll give the case to a public defender.'" By Farmer's account, when he balked, Dees promptly sued him in federal court for improperly spending SPLC funds. Dees backed off after Farmer mounted an aggressive defense detailing where the SPLC funds had gone, and Dees eventually paid Farmer approximately \$50,000 in a settlement. (The SPLC declined to make Dees available for an interview with me, but in a 1988 interview with the *Progressive's* John Egerton, Dees called Farmer a "fool.")

Dees further alienated opponents of the death penalty—and Southern liberals in general—by successfully lobbying the Senate in 1992 to confirm George H. W. Bush's nomination of Edward Carnes, head of the capital-punishment unit of the Alabama attorney general's office and a leading death-penalty advocate, to the U.S. Court of Appeals for the Eleventh Circuit. "He was up in Washington staying at the Four Seasons Hotel [in Georgetown] and lobbying Congress every day," recalls Stephen B. Bright, a Yale law professor and president of the Atlanta-based Southern Center for Human Rights, a criminal-justice public-interest law firm that opposed the Carnes nomination. "He was the great Morris Dees, so he gave cover to the Democrats in Congress to vote to confirm Carnes," said Bright in a telephone inter-

view. Bright's Southern Center has a \$2 million annual budget, with nine staff lawyers pulling down relatively modest salaries. "Their annual budget is \$30 million," said Bright of the SPLC, "and we accomplish more than they do with a lot less." Bright called Dees "a shyster if there ever was one—Morris is a con man."

Bright's words to me were nearly identical to those he had written in a 2007 letter to Kenneth C. Randall, dean of the University of Alabama's law



Candidate Carter names Dees his fundraiser, December 1975.

school, Dees's alma mater, turning down an invitation to a presentation of the school's annual "Morris Dees Justice Award," jointly sponsored by Dees and the prestigious law firm Skadden, Arps, Slate, Meagher & Flom. In that letter Bright called Dees "a con man and fraud." He wrote of Dees: "He has taken advantage of naïve, well-meaning people—some of moderate or low incomes—who believe his pitches and give to his [then] \$175 million operation. He has spent most of what they have sent him to raise still more millions, pay high salaries, and promote himself." (The Morris Dees Justice Award is currently defunct, and both Randall and Skadden Arps turned down my requests for interviews.)

During the 1970s and 1980s Dees is said to have briefly flirted with other liberal causes for the SPLC—abortion rights and gun control, for example—before shutting them down. But he hit the jackpot with the Ku Klux Klan, helped along by Klansmen's regular denunciations of him as a Communist, an attempted firebombing of the SPLC office in 1983, and the occasional threat to his life. In 1981 Dees formed Klanwatch as an educational and publications unit of the SPLC.

It was the beginning of the SPLC's focus on "hate groups." Fundraising letters flew out from Montgomery signed by such liberal celebrities as McGovern, Ethel Kennedy, and novelist Toni Morrison. A 1985 letter bearing the signature of a Montgomery rabbi "asked for funds to protect the Center and its staff, 'who are suffering under a siege of Ku Klux Klan and neo-Nazi terrorism unparalleled in this decade,'" Egerton reported in the *Progressive*. The letter with its hints of anti-Semitism run amok, reportedly mailed to zip codes on the East and West Coasts populated by wealthy Jews, referred to Dees as "Morris Seligman Dees." Dees was raised Baptist but received a rarely used Jewish-sounding middle name from his father, who had himself been named in honor of a "prominent Jewish Alabamian," Egerton noted in his article. At one point in 1986 the SPLC's entire cadre of staff attorneys quit en masse, dismayed by Dees's obsession with the Klan at the expense of what they perceived to be more pressing civil rights issues such as employment and housing discrimination.

Nonetheless the Klan and its white-supremacist spin-offs proved to be ideal litigation targets for the civil damage suits that the SPLC routinely filed on behalf of victims and their families: scattered, underfunded, and wounded by decades of infighting. The economically and socially marginal Klansmen, whose units typically consisted of a handful of down-market youths clustered around a kitchen table, could seldom afford either decent lawyers or the cost of mounting an effective defense (in civil cases, in contrast to criminal cases, the government is not obliged to supply defendants with free lawyers). Besides, what the groups were charged with having done—assaults and homicides—was appalling. The SPLC has won a handful of multimillion-dollar judgments against supremacist organizations, the latest one in 2008 against the Imperial Klans of America over the beating of a Panamanian-American. Nonetheless the judgments have mostly proved to be uncollectible, because the tiny groups have typically owned few if any assets that can be sold to satisfy a judgment.

The SPLC's most striking legal victory in the South was a \$7 million judgment in 1987 against the United Klans of America, notorious for the violent acts committed by its members during the civil rights struggles of the 1960s. The SPLC had filed the suit on behalf of Beulah Mae Donald, a black woman whose son Michael was lynched by two Klansmen in Mobile, Alabama, in 1981. Donald received only a tiny fraction of that amount, however, since the United Klans' sole asset by then was its national headquarters, a rundown warehouse in Tuscaloosa whose forced sale netted only \$51,875. Meanwhile, according to the *Montgomery Advertiser*, the SPLC's fundraising mailings highlighting the case, one of which featured a photo of Michael Donald's corpse, brought the center \$9 million in donations. The

SPLC continues to this day to tout the \$7 million judgment in its promotional materials and to take credit for putting the United Klans out of business, although some of its members simply joined other Klan groups after the United Klans dissolved.

Similarly, a \$12.5 million judgment that the SPLC won in Oregon in 1990 against Tom Metzger, a former Ku Klux Klan grand dragon who later led a group called the White Aryan Resistance, over the beating death of an Ethiopian immigrant by three skinheads in 1988, remains largely a paper victory. Furthermore, even some civil libertarians were troubled by the SPLC's legal strategy, which was predicated on the theory that Metzger and his son were responsible for the homicide because they had made incendiary racist statements that inspired the skinheads to commit the crime. The ACLU, for example, filed a friend-of-the-court brief arguing that the Metzgers' statements were protected by the First Amendment's free-speech guarantees and that the father and son should have been held liable only if it could be proved that they had intentionally provoked the skinheads' violence.

During the 1990s, when Timothy McVeigh became another name with which to launch a thousand direct-mail pitches, the SPLC branched out and began tracking, besides hate groups, a category it calls "patriot groups." Patriot groups can be full-fledged paramilitary militias—or they can simply be loose organizations of people who believe, say, that the Obama administration will soon be confiscating citizens' guns (actually a not-unfounded belief, given the recent disclosure of a Justice Department memo arguing that gun regulation is meaningless without mandatory federal weapons buybacks), or that the Federal Emergency Management Agency is building secret concentration camps in anticipation of a declaration of martial law. One group on the SPLC's latest patriot list, for example, calls itself the Granny Warriors: gray-haired ladies in North Carolina who trade canning tips and other food-stockpiling advice on a survivalist website of vintage 1990s design. Without entirely jettisoning its cash-generating Klan-centrism (an SPLC web page features a *Birth of a Nation*-style black-and-white photo of hooded men making a sinister circle around a flaming three-story cross), the SPLC changed the name of its quarterly magazine *Klanwatch* to *Intelligence Report*. The *Report* features alarmed articles, often written by Mark Potok, a former reporter for *USA Today* who now serves as the SPLC's press spokesman and also as the editor of *Intelligence Report* and the organization's *Hatewatch* blog. The articles in *Intelligence Report* and *Hatewatch* bear such scary-sounding titles as "Rage on the Right," "The 'Patriot Movement' Explodes," "For the Radical Right, Obama Victory Brings Fury and Fear," and "Strange Bedfellows Snuggle Under White Sheets." A 2010 post on *Hatewatch* didn't

quite go so far as to characterize the Tea Party as a hate group, but it came close, citing the grassroots movement's attraction for "antigovernment extremists." On a web page titled "Misogyny: The Sites," the SPLC skirts self-parody, branding the "manosphere" blogs of pickup artists and other dispensers of seduction techniques as hate-promoting because their posts bear such titles as "Even Nice Girls Are Sluts" and "More Proof That Feminism is a Social Cancer." The SPLC is currently spotlighting the prison gang Aryan Brotherhood of Texas as a hate group because of its rumored, although as yet unproven, connection to the murders of two prosecutors in Kaufman County, Texas.

One of the SPLC's leitmotifs is that there is an ever-spiraling amount of hate in America, and sure enough, its state-by-state list of hate and patriot groups has grown steadily over the years, especially during the presidency of Obama, a godsend to the SPLC's fundraisers because of his race and his pro-gun control and pro-gay marriage stances. In the SPLC's latest hate report, issued on March 5, it counted a record 1,360 patriot groups alone during 2012, up 6.75 percent since 2011 and up by almost a factor of 10 from the mere 149 such organizations that the SPLC had counted just before Obama was elected in 2008. (The conservative George W. Bush years had apparently marked a kind of hate vacation for America's right-wingers, after they supposedly went militia-crazy during Bill Clinton's presidency.) Cohen, the SPLC's president, promptly shot off a letter to Attorney General Eric Holder and Homeland Security chief Janet Napolitano urging the pair to establish "an interagency task force to assess the adequacy of resources devoted to responding to the growing threat of non-Islamic domestic terrorism." (The SPLC ignores Muslim-linked terrorist activity on the theory that it is foreign-based.)

Critics have charged that the way the SPLC counts hate groups renders its impressive tallies essentially meaningless. One of the most vocal critics is Laird Wilcox, a self-described political liberal in Olathe, Kansas, who has been tracking radical-fringe organizations on both the left and the right for five decades, amassing an enormous documentary archive that is now housed at the library of the

University of Kansas. According to Wilcox, many of the organizations on the SPLC's expansive list "may be two guys and a post-office box," while others might not exist at all. "Their lists of hate groups never have addresses that can be checked," Wilcox said in a telephone interview. "I've had police departments across the country calling me and saying we can't find this group [on the SPLC's list]. All they can find is a post-office box, so I have to tell them that I don't know whether they even exist." In a self-published book, *The Watchdogs*, he criticized the SPLC for having "misleadingly padded" its list of white-supremacy organizations. In particular, Wilcox faulted the SPLC for maintaining that three men accused of killing a police officer in Cortez, Colorado, in 1998 had belonged to a supposedly

racist and anti-Semitic militia group called the Four Corners Patriots for whose existence no evidence ever emerged. "People have tried to track down these groups, but they couldn't find them," Wilcox said.

Contacted by telephone, SPLC spokesman Potok responded, "We really try to separate out real groups from a man and his dog and a computer—and yes, many of the groups are small. The reason we count groups is that it's incredibly hard to count people. Certainly counting groups isn't a perfect method, and there's a valid question of whether one group of four peo-

ple is better than two groups of two people."

A perhaps more serious objection to the SPLC's hate list is the loosey-goosey criteria by which the center decides which organizations qualify as hate groups. The Family Research Council that was the target of Floyd Corkins's planned rampage is a perfect example. Potok insists that the SPLC has a policy of not attaching the hate label to an organization simply because it interprets the Bible as forbidding homosexual activity: "We are not going to list groups on the basis of what they say Scripture says. But this is a group that is consciously promoting falsehoods and demonizing an entire group of people. It's fact-free demonization. The reason we listed them was on the basis of their known falsehoods and their baseless, repetitive name-calling. They push the idea that gay men molest children at substantially higher rates than heterosexuals. The science is settled that this is not the case."

A look at an FRC web page titled "Homosexuality



Dees waves a membership manual in a 2008 Kentucky civil case against a Klan remnant.

and Child Sexual Abuse” reveals, however, that the issue of whether gay men are disproportionately represented among child-molesters is more a battle of the experts than settled science. The FRC cites two peer-reviewed studies published in respectable scholarly journals finding that up to one-third of incidents of child sexual abuse are male-on-male, in contrast to the reportedly 3 percent or so of the population who are homosexual (nearly all pedophiles are men). For its part the SPLC cites on its website a statement by the American Psychological Association (APA) that homosexual men are no more likely than heterosexual men to abuse children sexually and a meta-study by Gregory Herek, a psychology professor at the University of California, Davis, reaching a similar conclusion. While it may be that Herek’s findings and the APA’s conclusions bear more scholarly weight than those of the researchers cited by the FRC, it seems a stretch to accuse the FRC of deliberately promoting falsehoods. When I raised this objection with Potok by email, he emailed in reply: “The FRC and some of the other anti-LGBT groups portray gay people as sick, evil, perverted, incestuous and a danger to the nation.”

Besides being willing to slap the hate label onto groups that may merely interpret data differently from the SPLC, the center routinely tries to link, if only by implication, increases in the number of hate and patriot groups it tallies to actual incidents of domestic terrorism and other violence. SPLC president Richard Cohen’s March 5 warning letter to Holder and Napolitano trotted out the Oklahoma City bombing one more time, even though neither McVeigh nor his convicted co-conspirator, Terry Nichols, had ever belonged to any organization that could remotely be called a hate or patriot group. Similarly, after 40-year-old Wade Michael Page fatally shot six people at a Sikh temple near Milwaukee last August 5 before turning his gun onto himself, Potok and Heidi Beirich, the SPLC’s intelligence director, issued a joint statement claiming to have been tracking Page since 2000 (when, they said, he had purchased “goods” from a now-nearly defunct neo-Nazi organization) and linking him to white-supremacist sentiment because he had once been the leader of a “racist white-power band.” The band in question, End Apathy, had described itself on a MySpace page as “old school,” with “punk and metal” influences, whose music was supposed to be “a sad commentary on our sick society and the problems that prevent true progress.” Page’s actual motive for his murder spree remains a mystery to police and the FBI (he was apparently a loner who had trouble holding jobs and keeping girlfriends).

The Northern legal establishment has yet to realize that Dees’s claim to fame may lie primarily in his indisputable genius at self-promotion. Universities have showered him with honorary degrees.

There is something disconcerting about a private organization spending years monitoring someone who had never committed a serious crime, and something equally disconcerting about trying to connect a rock band to a murder rampage, no matter how racist or otherwise unappetizing the band’s lyrics might have been. Furthermore, it is odd that an organization that characterizes itself as being devoted to civil rights—a phrase that connotes the struggles of individuals to assert their rights against a tyrannical government—devotes its energies to tracking the activities of people who are insufficiently respectful of the government: Obama-loathers, opponents of gun control, politically incorrect metalheads, grandmothers who stash canned goods in their basements because they are

certain that the government is about to suspend the Constitution and that anarchy will ensue. Don’t such stances, as long as they fall short of directly inciting violence, fall under the First Amendment’s free-speech protections? When I posed this question to Potok, he replied: “When we list these groups, we’re not predicting that they’ll commit violence. We say very explicitly that we’re listing them solely on the basis of their ideology. We’re foursquare behind the First Amendment. We believe these people can say all these things, but we’re going to call them out. We have

never suggested restricting any kind of free speech.”

To the SPLC’s credit—or perhaps in an effort to distance itself gradually from Dees’s much-criticized fish-in-a-barrel Klan lawsuits—the center’s legal department, which now maintains offices in four other Southern cities besides Montgomery, has branched out substantially into immigrant rights, prison reform, and gay and lesbian issues (although several critics with whom I spoke speculated that the last might represent another of Dees’s efforts to tap via mailing lists into a well-off and easily frightened donor base: gays). The SPLC’s online list of its legal actions seems thin for a staff of 34 lawyers plus about 36 support-staffers: only 16 new case-filings in 2012 plus 1 in 2013, although Cohen, the center’s president and legal director, said the list represents only the tip of a litigation iceberg, and that most of the suits had been preceded by months of laborious investigation.

Some of the legal actions appear to bear the Dees strategical earmarks of cash-strapped defendants plus maximum donor-base appeal: a recently filed fraud lawsuit against an obscure Jewish nonprofit in New Jersey that offers so-called conversion therapy to gays and

lesbians hoping to enter traditional heterosexual marriages, and a quick settlement in 2012 of a gay-bullying suit against a school district in a Minneapolis suburb that likely had a limited litigation budget. Another of the SPLC's lawsuits, against the Thompson Academy, a for-profit juvenile facility in Broward County, Florida, whose residents complained about systematic staff mistreatment, was filed in federal court in 2010, then settled on undisclosed terms about a year later. The settlement appeared to accomplish little, however. In 2012, the Broward County Public Defender's office stepped in, filing a series of petitions in state court containing nearly identical allegations to those in the SPLC's suit, and the state of Florida shut down Thompson this past January.

Nonetheless, even the SPLC's severest critics give the center's lawyers credit for providing high-quality legal services that have resulted in tangible legal changes. "Their immigration project does some pretty good work, as do some of their other projects," Stephen Bright of the Southern Center for Human Rights conceded. (The SPLC's latest immigration case, filed in February, chal-

lenges an Alabama law that requires the state to maintain an online list of immigrants who are arrested and can't prove that they're not "unlawfully present" in the United States; the SPLC argues that the law provides no means for people to get off the list if their immigration status changes.) Michael McDuff, a private criminal defense lawyer in Jackson, Mississippi, worked alongside SPLC staff lawyers on a 2007 lawsuit that resulted in the closing of the Columbia Training School, a girls' juvenile facility where a laundry list of horror stories included alleged improper shackling, sexual abuse, and a lack of psychiatric care for the inmates, many of whom suffered from mental illness. "I'm aware of some of the criticism of the Southern Poverty Law Center," said McDuff, "but Sheila Bedi in their Jackson office just did a terrific job." (Bedi, now a law professor at Northwestern University, headed the SPLC's legal staff in Jackson at the time.) "The SPLC lawyers did a lot of the legal work, and I was pleased to see that they weren't in this case just for the publicity," McDuff continued. "I'm no fan of Morris Dees, but their operation in Mississippi has been terrific."



The Southern Poverty Law Center headquarters in Montgomery

Dees may indeed have few fans among liberal Southern lawyers—or among liberal journalists who have followed his career closely. Still, just as the SPLC's Northern donors have yet to realize that the days of flaming crosses in the South are done, the Northern legal establishment has yet to realize that Dees's claim to fame may lie primarily in his indisputable genius at self-promotion. Dees parlayed his Ku Klux Klan forays into an NBC made-for-TV movie titled *Line of Fire* in 1991 and his lawsuit against Tom Metzger into a PBS special titled *Hate on Trial* in 1992. Universities have showered him with more than 20 honorary degrees, and organizations ranging from Trial Lawyers for Public Justice to the National Education Association have feted him with awards.

In 2011 the Gruber Foundation, headquartered at Yale, awarded Dees its coveted Justice Prize, citing, yes, one more time, that \$7 million verdict the SPLC won in 1987 against the United Klans of America. In August 2012 the American Bar Association presented him with the ABA Medal, the organization's highest award, "for exceptionally distinguished service by a lawyer or lawyers to the cause of American

jurisprudence." (Both the Gruber Foundation and the ABA declined requests for interviews.) At around the time that Dees picked up his medal from the ABA last summer, the Obama Justice Department hosted him as a featured speaker at a "diversity training event" for some of its employees in Washington, where a DOJ staffer picked him up at the airport and took him out to dinner with his family, according to emails obtained by the conservative group Judicial Watch under a Freedom of Information Act request.

Still, there may soon come a day when the SPLC's donation-generating machine, powered by Dees's mastery of the use of "hate" to coax dollars from the highly educated and the highly gullible, finally breaks down. That is why, according to Cohen, the SPLC has no intention of soon spending down much of that \$256 million in stockpiled assets that has earned the center an "F" rating from CharityWatch. "We've tried to raise a substantial endowment, because our fundraising is on a downward trend," Cohen told me. "Those 1960s liberals—they're getting older, and the post office is dying. We're likely to be out of the fundraising business within 10 years." What the SPLC wants to do is to ensure that "hate" is forever. ♦

Can You Forgive Him?

Next stop, Augusta, on the Tiger Woods rehabilitation tour

BY GEOFFREY NORMAN

In late March, he won at Bay Hill, Arnold Palmer's course. Two weeks before that, he won at Doral, Donald Trump's course. After these victories, Tiger Woods would take two weeks off before teeing it up for the Masters in mid-April, on Bobby Jones's course at Augusta. A win there would be his fifth. Palmer won the Masters four times, but surpassing Palmer isn't Tiger's goal. In fact, he has already done that. Palmer may have made modern professional golf into a sport that is followed by fans who have never set foot inside a country club or even on a golf course; he may be the most popular personality in the history of the game; but Palmer won a mere seven major championships in his career. Tiger Woods has twice that many and has made it his solitary, determined quest to get five more. That would move him ahead of Jack Nicklaus, the only man who has won more majors than he has and who, with six Masters championships, is the only man with more than Palmer and Woods have now.

Tiger Woods, then, needs to win the 2013 Masters to close the gap that separates him from Nicklaus. That gap keeps him from being, unquestionably, the best there ever was.

There was a time, not so long ago, when this would have been considered an occasion of real athletic glory for Woods. He last won a major in 2008. It was a U.S. Open, the toughest of the four major tournaments, and it went to an 18-hole playoff and then to sudden death. Woods played on a bad leg and limped around the course. But he won on the

first hole of sudden death, then promptly went in for surgery. "He beat all the rest of us, and did it on one leg," one of the other tour golfers said.

The Nicklaus record—which once seemed forever secure, like DiMaggio's streak or Ted Williams's .400 season—looked vulnerable back then. Once he had rehabbed the leg and shaken the rust off his game, Woods would return, dominate, and win more tournaments, to include those five majors he needed to move beyond Nicklaus.

Then . . . the scandal.



An irritated Woods and his club part ways in May 2007.

If this is the age of anything in American sport, that thing would be scandal. Michael Vick, the NFL's most electrifying player, goes to prison for running a dog fighting operation. Barry Bonds and other Hall-of-Fame-caliber baseball players turn out to have accomplished what they did with the help of performance-enhancing drugs. As did Lance Armstrong, who made a second career out of sanctimoniously denying all charges of doping and of going on the attack against his accusers. And then there was the Penn State football scandal, which ruined

Coach Joe Paterno's reputation as a man who did things the right way and revealed him, instead, as someone willing to tolerate the presence of a sexual predator within his program for the sake of winning.

The Woods scandal didn't result in any jail time or criminal charges or congressional investigations, as did, for instance, the allegations that Roger Clemens had used steroids to retain the hop on his fastball. Woods was revealed as a serial adulterer, so it was just another sex scandal, except for the fact that there were so many women and some of them were of the elegantly trashy breed known as porn stars, and the fact that the thing was in such stark and hypocritical contrast to his image,

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painstakingly crafted and fiercely defended, as a family man, role model, and, even, racial healer.

Instead, he was just a heel. Another randy jock.

Furthermore, while the scandal did not result in any jail time, Woods was cited for some minor vehicular infractions. He'd tried to get away from his angry wife in his Cadillac Escalade and had run the car off the road, over a fire hydrant, and into a tree not far from his house. His wife followed him and smashed the rear window of the car with a golf club, providing material for many, many jokes on late-night television and elsewhere.

Woods, who had been secure and untouchable and unknowable, was now very much the other thing. He went from being idolized to ridiculed. From *Sports Illustrated* covers (Sportsman of the Year twice) to endless source material for the *National Enquirer*.

There was also the considerable financial fallout. He was, according to *Forbes*, the first athlete to earn a billion dollars. After the scandal, he lost almost all of his high-profile endorsements, Nike being a conspicuous exception. One study estimated shareholder losses from the damage to brands caused by the scandal at between \$5 billion and \$12 billion.

Then there was the incalculable part that nobody liked to think about and certainly not to joke about, the inevitable divorce and whatever damage the whole thing inflicted on his wife and two very young children.

It was the kind of epic fall that provoked a lot of Icarus imagery and would have stimulated F. Scott Fitzgerald's creative juices.

But then, Fitzgerald famously wrote, "There are no second acts in American lives." The line comes from notes that Fitzgerald made for his unfinished novel, *The Last Tycoon*, and perhaps he was generalizing from his own life. There are, of course, second acts in America and a lot of them. But there are not many first acts that flame out as spectacularly as Woods's did. Not even Fitzgerald's.

The Woods story is one of talent almost too prodigious to be believed. He was on television hitting golf balls when he was barely out of diapers. He broke 80 when he was 8 years old; 70 when he was 12. He became the U.S. Junior Amateur champion at 15, youngest ever at the time. Later, and almost inevitably, he became the youngest U.S. Amateur champion. And so on.

After two years at Stanford, he turned professional and joined the tour in 1996. In 1997, he won his first major, the Masters. He burned through Augusta and left the competition eating his exhaust, winning by 12 strokes. He was, almost predictably, the youngest player to win the tournament.

In 2000, he won six consecutive tournaments, the U.S. Open among them. That win, at Pebble Beach, may have been the most conclusive and flawless of his career. According to the *Sports Illustrated* account, it was "the most dominating four-round performance in the history of major-championship golf." He won by 15 strokes and never shot a round over par in a week when the rest of the field managed only 32 subpar rounds.

One could go on and on but there is no point. Anyone who followed golf knew that they were watching greatness. And there were a lot of people watching; more than had ever watched golf, either in person or on the television. If Tiger was playing in a tournament, it was virtually guaranteed good ratings. Otherwise, the public saw it as a bunch of stiff hacks around the course, and tuned out.

He was the kind of athlete who arrives like a comet, lighting up his sport. And because golf is an individual sport, he did not share even a small portion of the glory with teammates. With anyone. Which is how he and his family and his handlers liked it. When a colorful caddy began to get a little too much attention, was approached for a few too many interviews, he was fired.

A prodigy, then. Someone very, very special whose greatness—genius, even—was apparent from a very early age, especially to the strong father, Earl, who pushed him and molded him. After the scandal broke, people made comparisons to Mozart as the film *Amadeus* portrayed him. The talent, the father, the emotional immaturity.

Mozart lived to 35 and, to use the locutions of sport, was on the comeback trail, working on the *Requiem* when he died. Tiger Woods is 37 and fashioning a comeback of his own. Before this season, it has been a two-steps-forward-one-step-back enterprise.

He stayed out of golf after winning the 2008 Open on one leg. His return in 2009 looked promising, but he did not win a major that season, and then came the scandal. In December 2009, he said he was withdrawing from competition. He made public apologies and then went into a clinic. He returned to competitive golf at the 2010 Masters and finished fourth. A promising return.

But he did not win a single tournament that year, something that had not happened before in his professional career. Still, at the end of the season, he had played well enough to be ranked number two in the world.

In 2011, he finished fourth, again, in the Masters. But the season deteriorated after that, and his world ranking dropped until he was 58th.

Things began to turn around late that year, and in 2012 he won the Arnold Palmer Invitational. It was his first victory since 2009. The rest of the year was up and down, and the word for both his season and his game was . . . *erratic*. And there were younger players coming along who had

never played against him back when he demoralized the competition while he was subduing the golf course. They weren't necessarily afraid of him.

Still, there were unmistakable signs that he was back. Not all the way, certainly. Not in the utterly dominating way he had been at, say, that U.S. Open at Pebble Beach. But he was certainly no ham-and-egger on the course.

And in the mind of the public? There, he had a lot further to go. He was still the biggest draw in golf, and if you went to a tournament where he was playing, he was easy to find. Just look for the largest gallery. And if you couldn't find it, then listen. After a while, you would hear the roars.

But . . . out among the larger public, the mood was still sour. In a poll conducted in February, ranking the least liked athletes, he finished third behind Lance Armstrong and Manti Te'o, the Notre Dame linebacker and fabulist who had tugged heartstrings with stories about a dying girlfriend who, it turned out, did not exist.

But there was some good news. The year before, Woods had come in second in that poll, behind Michael Vick, who this year has fallen all the way to number seven. If a man imprisoned for running a dog fighting operation can be rehabilitated, however slowly, then surely the public can find it in its heart to forgive Woods.

Perhaps. But he doesn't make it easy. There is the petulance on the course, where he will slam his clubs and curse after hitting a bad shot. It is the sort of thing that is especially distressing to old-school fans and golfers who think of that as the sort of behavior you would expect from a 15 handicapper on a run-down municipal course and egregiously inappropriate at Augusta, which is Bobby Jones's course, after all, and *he* famously almost gave up the game until he learned how to control his temper and play like a gentleman.

And then, there is the cold, aloof demeanor. The icy distance. This, in contrast to someone like Phil Mickelson, who smiles almost compulsively and signs autographs, shakes hands, and connects with the fans. Woods, by contrast, seems to be saying to the fans that he is not out there to show them some love but to thrill them with some golf. They can like it or not, but probably they'll like it because they won't be able to help themselves. He makes an exception for members of the armed forces and will go out of his way to make the right gesture to, for instance, a veteran in a wheelchair who has lost limbs in combat and has come out to see Tiger play. His father, Earl, was with the Special Forces in Vietnam. The gesture is utterly sincere and in character.

He doesn't owe the ordinary fan anything except the opportunity to watch the best there ever was. That, you suspect, is what it all comes down to. There isn't anything special about an athlete wanting to win and being obsessively competitive. But there are not many who can imagine themselves as being the best there ever was and who routinely do things to validate, conclusively, the claim. Ted Williams said he wanted people to say that about him. That he was the best there ever was at hitting a baseball. He hit .406 one season to prove it. Michael Jordan wanted to be known as the best ever to play his game, and he played like that was the prize. Neither had what anyone would call a warm, extroverted, gregarious personality. It was better for fans to follow them not as people with whom they could share a friendly moment or with whom, indeed, they could make any kind of emotional connection. You could find something thrilling in watching Williams at the plate or Jordan bringing the ball down the court, looking to get open. Better that you didn't know anything about them beyond what you experienced in that moment. The proper relationship being more like the one between mortals and gods.

The shame of the Woods scandal—and the celebrity culture—is that it has made that sort of relationship impossible. First came the slick sales job—husband, father, athlete, role model. That was a con. And people who bought in felt betrayed when it was blown. Then came the salvage job with experts like Ari Fleischer helping with damage control. This only deepened the cynicism, as Woods went through the various stages of image repair: apology, therapy, humility.

Please. We're all adults here. Get back to golf.

You almost hope that the rehabilitation does not work. Woods should remain alone and aloof as is proper for the best that ever was. After he won the Arnold Palmer tournament at Bay Hill, Nike came out with an ad that showed Woods studying a putt with the fierce intensity he brings to the game. The words superimposed on that image read: "Winning Takes Care of Everything."

It was, predictably, dismaying to many. Perhaps Nike should have used instead the famous line from D.H. Lawrence, "The essential American soul is hard, isolate, stoic, and a killer. It has never yet melted."

Or maybe they could have settled on Mark Twain—"Golf is a good walk spoiled"—and really kept things in perspective.

But if you think golf is something more than that, you will find yourself watching Tiger Woods with fascination at the Masters, making his claim on the title: *best there ever was*.

You just don't want to get too close. ♦

**Please. We're
all adults here.
Get back to golf.**



Immigrant children at Ellis Island, 1908

Welcome to America

The business of immigration is more than business. BY PETER SKERRY

Immigration Wars has gotten a lot of attention because of its proposal to offer undocumented immigrants permanent legal resident status in lieu of citizenship—and because of Jeb Bush’s subsequent walking it back and expressing a willingness to support some kind of a path to citizenship for illegals. Just as noteworthy is the book’s critique of the bedrock of our immigration policy—family reunification—and its proposal to eliminate preferential visas

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Immigration Wars
Forging an American Solution
 by Jeb Bush and Clint Bolick
 Threshold, 304 pp., \$27

for immigrant parents of U.S. citizens over 21, who, along with the noncitizen spouses and minor children of U.S. citizens, are currently granted permanent residence outside of otherwise rigid quotas. Similarly significant is the book’s support of an array of biometric identification procedures to monitor the entry and exit not only of visitors to this country, but also of individuals,

including citizens, seeking employment.

The most striking, and unremarked on, proposal is for a “market-driven system of immigration,” with the number of work visas “automatically adjusted . . . on an annual basis to reflect changes in market needs.” Emphasizing the importance of “priorities based on objective criteria,” authors Bush and Clint Bolick acknowledge that “any future Congress could, of course, adjust the formula.” But as they envision, “the point is that appropriate shifts in immigration numbers would not require congressional action and thus would not be subject to the vicissitudes of politics.”

How seriously should we take these proposals? Bush and Bolick's critique of family reunification is bold and seemingly strikes at the heart of a policy framework under which two-thirds of the more than one million green cards awarded annually are on the basis of family ties, as opposed to about 13 percent on work-based criteria. But when it gets down to specifics, our authors do not actually eliminate visas to the immigrant parents of citizens, or to their adult sisters, brothers, and children—the sources of so-called chain migration. Indeed, Bush and Bolick end up either bungling or fudging the overall number of immigrants to be admitted under their proposal. Undoubtedly, this is because they are intent on increasing the number of immigrants arriving here annually (despite current political resistance, which they acknowledge). But if they don't really mean it, why raise the issue of family reunification and antagonize its primary beneficiaries: Asians and Hispanics?

Under the Bush-Bolick proposal, increased numbers of immigrants would be driven by employment criteria—either as skilled or unskilled workers, the latter as “guest workers” on renewable annual visas who, after five years, would be eligible for green-card status and eventual citizenship. But the more fundamental point is that all such workers would be admitted on the basis of market demand, as determined by employers, with minimal input from politicians, bureaucrats, or labor unions.

It is, of course, unlikely that such “objective criteria” would ever be agreed upon, and equally unlikely that Congress would cede its authority in this critical domain—either to employers or to bureaucrats. But even if we assume that allowing high-tech firms to hire as many skilled employees as they claim to need would help achieve the 4 percent annual growth in GDP that Bush and Bolick set as their goal, would affording similar latitude to landscapers, restaurants, and hotels to hire unskilled laborers result in commensurate growth? The answer depends, in part, on the fiscal

demands such unskilled immigrants put on public services. Addressing this point, Bush and Bolick emphasize that America needs high levels of immigration precisely because “the diminishing ratio of workers and those whose social services depend on them is shrinking alarmingly.” To back this up, they cite an authoritative 1997 study by the National Research Council reporting that “immigrants on average pay \$1,800 more in taxes than they consume in services.”

Unfortunately, Bush and Bolick misinterpret this finding. Piling error upon error, they cite a Brookings Institution study that, itself, misinterprets the 1997 research. The original study does conclude that the average immigrant pays more in taxes than he receives in government benefits. But it then clearly notes that “most people would find this figure misleading . . . because it does not include the fiscal impacts of the immigrants' young children born in the United States.” When such impacts are factored in, the \$1,800 fiscal surplus turns into a \$370 fiscal deficit.

A related issue involves our emerging reliance on skilled immigrant workers in the critical STEM (science, technology, engineering, and mathematics) fields. According to Bush and Bolick, one reason for our lack of STEM graduates is our poor performance in educating immigrant children, especially Hispanics. Thus, they acknowledge that “we would not need nearly so many immigrants if we were able to produce more highly skilled American students, workers, and creators.” But at what point do we get caught up in a kind of Ponzi scheme in which we take in educated immigrants to make up for our inability to educate the children of other immigrants?

Bush and Bolick argue that the remedy for such ills is “a market-driven system of education” that would afford immigrant families substantially greater school choice. And yet, however worthy such proposals may be, might it not also make sense to limit the number of unskilled immigrants until we do a much better job of educating their

children? The authors feint in this direction—only to retreat and argue for increased numbers of both unskilled and skilled immigrants.

Yet the larger problem with the Bush-Bolick proposal goes deeper than mere numbers. They fail to articulate what the national interest is in increased levels of both unskilled and skilled immigrants. To be sure, they invoke the usual rhetoric about ours being “a nation of immigrants,” but they quickly reduce immigration to a matter of revitalized economic growth. As they put it, “Getting immigration policy right will enable us to reclaim the prosperity that in recent years has eluded our grasp.” This is obviously an important objective, and one which immigration policy can do a lot to help us achieve. But it will also require difficult policy choices that will hardly be guided by “objective criteria” determined outside of the political process. Nor should those choices be delegated to the legitimate, but inevitably narrow, self-interested needs of employers.

At one point, Bush and Bolick highlight how much agriculture in Alabama suffered when the state clamped down on illegal immigration, warning that if we don't fix our overall immigration policy, agriculture there and elsewhere will be lost to overseas competitors. They specifically point with alarm to China, where “half the world's apples are now grown.” But what they fail to do is make a serious case as to why we should care if China dominates the world apple market. To be sure, we would have reason to be concerned if China were a serious competitor in computer sciences or genetic research. But is there some strategic reason to protect the world market share of American apple growers—other than the obvious self-interest of the growers themselves? About the former, we hear nothing from Bush and Bolick, which clearly reflects their preoccupation with the latter. And that is simply not an adequate or realistic basis on which to achieve the kind of reform that immigration policy so desperately needs. ♦

Shaken Not Stirred

How the opiate of the masses got gentrified.

BY MARTIN MORSE WOOSTER

Gin has been with us for over 400 years, praised by one generation, excoriated by another. But even the most knowledgeable drinkers remain largely unaware of how gin was transformed from a concoction bubbling in the flasks of medieval alchemists into a spirit beloved by martini lovers around the world. Here, Richard Barnett provides an informative social history of how gin emerged as one of the world's great beverages.

Barnett is a British author whose understanding of America is incomplete. He makes one major mistake when he discusses how the United States embraced Prohibition: The causes of Prohibition are many, but it is far from true (as Barnett charges) that a primary reason was outrage at abstemious American soldiers discovering spirits in the fleshpots of Paris. World War I accelerated the move towards Prohibition in many ways, including increased anti-German bigotry towards lager brewers. But America had largely embraced an alcohol ban long before the doughboys began to storm machine-gun nests.

When Barnett is writing about British or European history, he is on much sounder ground, and this lively little book provides a good introduction to gin's influence on European social history and literature.

The process of distillation was likely invented in Baghdad around 800 A.D. Over the next several centuries, alchemists distilled a great many things, but no one seems to have realized that distillation

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The Book of Gin

A Spirited World History from Alchemists' Stills and Colonial Outposts to Gin Palaces, Bathtub Gin, and Artisanal Cocktails

by Richard Barnett
Grove, 304 pp., \$24



William Hogarth's 'Gin Lane' (ca. 1780)

produced a potent alcoholic beverage. For example, around 1250, Pedro Julião, in his *Liber de Oculis* ("Book of the Eyes"), described how to create a distilled product with such herbs as fennel, endive, and rue. All that would be needed to transform Julião's product into gin was the addition of juniper. But Julião, a professor of medicine at the University of Siena, did not realize that his product could be consumed; he thought he was creating eyewash. Julião ended his alchemical research when he became a priest and rose rapidly through the ranks of the

Catholic church, eventually becoming Pope John XXI.

By 1600, gin production had begun in the Netherlands, and such enduringly important Dutch producers as Bols and De Kuyper were already in the gin trade. A century later, gin began to be produced in Great Britain. The first British gin maker was William Y-Worth. The money he made from gin enabled Y-Worth to pursue an alchemical career; Y-Worth called himself "Cleiodorus Mystagogus, Professor of Spagyric Medicine," and churned out volume after volume of incomprehensible woo-woo.

Gin was cheap to produce, and unscrupulous producers made it even cheaper by adulterating gin with turpentine and sulfuric acid. Gin was avidly consumed by the poor and vigorously denounced by many of the leading writers of the day, such as Henry Fielding and Daniel Defoe. In a great series of engravings, William Hogarth contrasted the wretched "Gin Lane" with the heavenly "Beer Street." In Gin Lane, the only businesses were the "Kilman" distillery, the undertaker, the pawnbroker, and the gin shop. The residents of Beer Street, by contrast, were happy and productive. "Gin Lane," Hogarth wrote, was a place where "idleness, poverty, misery, and distress" flourished. By contrast, "In Beer Street, all is joyous and thriving."

Britain tried to combat the gin menace through a series of tough prohibitionist acts, including one that made licensing so stringent that 98 percent of gin palaces operated illegally. Eventually, in 1751, a Gin Act was passed that raised the cost of production so that gin became legal, but expensive. Gin consumption dropped by a third, yet remained profitable; such important British gin producers as Gordon's, Greenall, and Sir Robert Burdett were created in this era.

During the past two centuries, gin has alternately been celebrated and attacked. In his prolific career, Charles Dickens both praised and condemned it. In *Nicholas Nickleby* (1838-9), Ninetta Crumple is a midget who performs with her family as "The Infant Phenomenon." She remained small,

Dickens says, because her family placed her on “an unlimited allowance of gin and water” from her infancy. But in *A Christmas Carol*, written four years later, the humble Christmas of the Cratchit family (where Tiny Tim famously says, “God bless us, every one”) is enhanced by Bob Cratchit’s elaborate production of hot gin punch, a drink so potent that it makes Cratchit’s meager collection of glasses seem like “golden goblets.”

Cocktails began to become popular late in the 19th century. None was more famous than the martini. Where the term “martini” comes from is lost to history; it could be named for the Martini-Henry rifle, or possibly Martinez, California. But the cocktail became one that novelists used when they wanted to describe characters who were sophisticated. John Philip Sousa wrote novels about musicians, and in one of them, *The Fifth String*, the manager of a temperamental violinist survives his client’s tantrums through steady martini drinking. Jack London celebrated martini drinking in his 1910 novel *Burning Daylight*, in which a Yukon goldminer

claws his way to the top of New York society, relieving the daily “strain of his office” through the nightly consumption of “a martini, and . . . a double-martini at that.” (London spoke from experience: As his 1913 memoir *John Barleycorn* trenchantly shows, his writing career nearly disintegrated because of excessive martini drinking.)

The Lost Generation of the 1920s loved martinis, and that love was demonstrated in the movies—most notably in the *Thin Man* comedies of the 1930s and ’40s. In fact, as Barnett explains, in Hollywood, the “martini shot” is the last scene filmed on any given day, because after the scene is filmed, it’s time for cast and crew to have a drink.

Of course, some actors abused gin, and none more so than W.C. Fields, who consumed a gargantuan four pints a day. Fields called gin “my pineapple juice,” and when someone once tried to dilute the booze with a soft drink, Fields demanded to know who had put pineapple juice in his pineapple juice. ♦

At her urging, they have traveled to the Orkney Islands, off the northern coast of Scotland. She says she was born there, but left when she was very young and has little memory of the place. So they come to “surely the loneliest, the rockiest, the most desolate island that has yet been mapped, in this or any other water,” and rent a cottage on the beach. She spends hours sitting by the water’s edge and staring out to sea, while Richard watches her from the window. He tells the reader a bit of their backstory: how they became smitten with one another as student and teacher; how he finally summoned the courage to ask her out to dinner. And he gives a blow-by-blow of their days on the island: They go for walks, occasionally chancing upon Orkney natives or visiting bird-watchers; they sleep and dream; they drink whiskey, cook, and make love. Above all, though, she watches the sea, and he watches her.

Anyone who saw the 2009 movie *Ondine* by the Irish filmmaker Neil Jordan will be reminded of it early in *Orkney*. It’s not just that both book and movie borrow from folklore about selkies, creatures who swim in the ocean as seals but become human on land. Neither work initially lets on whether it’s intended to be understood as a fairytale or something more prosaic. For a while, it seems that Richard’s bride could just as easily return happily to urban academia with him or turn mermaid and carry him off to an undersea kingdom.

Ondine eventually tips its hand and becomes a clever real-world mystery, but *Orkney* remains ambiguous to the end. Stories are powerful if you believe them, it suggests, whether they are strictly true or not. Richard’s wife, for one, seems to believe in fairytales, or at least puts them on equal footing with reality. As Richard explains, “She says they don’t draw the same distinctions, here, between histories, stories, and myths.” Dreams, too, get great credence, with Richard’s bride hallucinating floods that make her wake up gasping.

If the couple’s life on the island appears tranquil, Richard is in tumult.

BCA

Love, Virtually

Is it a dream, or a marriage on the rocks?

BY ELISABETH EAVES

Richard is a literature professor writing a book about myths. He is madly in love with his new wife, who herself might be a myth. Here, in Amy Sackville’s second novel, the author stays just this side of the supernatural. But while our real, physics-bound world can mostly account for what occurs, Sackville also advances ancient fairytales as possible explanations.

Not that all that much occurs for most of the book’s 224 pages. *Orkney*

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Orkney
by Amy Sackville
Counterpoint, 224 pp., \$25

unfolds over 12 days, in the form of Richard’s honeymoon diary. Our narrator, who is 60, has just married his 21-year-old former student, who remains nameless. Her hair is silver-white, her fingers and toes are webbed, and she’s a sloppy dresser, a messy eater, and a terrible cook—all hints (or are they?) that she’s not quite of this world. In any case, they do nothing to dim Richard’s ardor.

He's a happily doting husband at first, but grows increasingly obsessive as the days go by, becoming jealous when his wife talks to strangers and panicking if she disappears from view. He reels the reader into his place of exquisite pain, where he aches for her even when she's near and a kiss "is sweeter still in memory for remaining unknissed."

He is as much under a spell as any of the hapless heroes of the stories he's writing about, comparing himself to "Calypso's willing captive on Ogygia" and "Circe's happy pig on Aiaia." Even his own memory casts a spell on him, despite his being aware that he may have embellished it. In his treasured recollection of meeting his wife-to-be for the first time, she's wearing a purple sweater and has leaves tangled in her hair. When he relates this to her, though, she insists that he's mistaken, saying she has never owned a purple sweater. When she leaves the room, he muses that "it is such a pleasure to dwell on the tale alone, while she is in her bath, and not here to interject with her nonsense about not wearing purple."

When Richard is not describing his inner state, he evokes the Orkney scenery in prose that can feel like poetry. This is very much a book for language-lovers, bringing to mind Marilynne Robinson's shimmering debut *Housekeeping*, another novel set in a remote corner of the world afflicted by wild weather. There, the author found myriad ways to describe water and ice. Here, Richard revisits the colors of the sea and sky again and again: "The pale-blue tide is turning, now, roiling and foaming into boiling milk as it comes in," he observes. He and his wife trade words back and forth like gemstones as they search for the perfect descriptor, their shared passion for language making their May-December love seem more plausible:

"Look," she said, "there in the centre where it's still: turquoise, emerald, and where the waves rise, the inside of them, dark, almost black, but . . ." Obsidian, I said. A sheen like cut stone. "Yes!" she said, "like an old knife." And then when they peak, sapphire, "into azure, into aquamarine . . ."

If you don't want to go to the Orkney Islands after reading this, you will at least have a vivid sense of their dark beauty.

Eventually, readers who like their beautiful sentences served with a helping of plot may start to wish that one of the ancient tales the protagonists tell each other would come true, just to move things along. Perhaps the one about finfolk, "tall, gaunt sea-farers with narrow faces and hard dark eyes," notorious seducers who "come ashore sometimes, to seek new wives upon the land," and who later return to reclaim the children they've fathered with humans.

At the same time, the reader may begin to dread the possibility that something might happen because he or she has come to share Richard's deep sense of foreboding. Anything that occurs, it seems to his anxious and feverish mind, is going to fulfill his worst fears and cheat him of his longed-for future.

It would be wrong to reveal what happens at the end. But this is not, in any case, a novel about what happens. Rather, it's an exercise in using language to weave a dream state. Amy Sackville spins a beautiful web, but even she doesn't seem to know if she wants us to wake up. ♦



Bound for Pulp

Alas, the Woody Guthrie industry unearths a novel.

BY MICHAEL WARREN

To many in our cultural elite, Woody Guthrie is an American saint. The legendary songwriter from Okfuskee County, Oklahoma, is introduced to every American child by way of his folk anthem "This Land Is Your Land." But for gatekeepers of the arts, Guthrie is much more: All of his work—every song, every article, every poem—is good and honest and true, the gospel according to Woody. What other justification is there for the release of this deservedly long-lost novel? Completed in 1947 but only recently "rediscovered," *House of Earth* is an incoherent polemic interspersed with erotic scenes and rambling descriptions of life in the Dust Bowl-stricken plains.

Its major themes, such as they can be discerned, are Guthrie's brand of rustic left-wing politics and his obses-

sion with replacing America's wooden farmhouses with ones made of adobe. The characters are flat and uninteresting; the narrative plods along; the language is often indecipherable. Here's

how Guthrie describes Ella May, the wife of the novel's hero, Tike Hamlin: "She seemed to be made out of the same stuff that movement itself is made of."

The editors of *House of Earth*, historian Douglas Brinkley and actor Johnny Depp, say they found the manuscript in the archives of the University of Tulsa while working on an unrelated project for *Rolling Stone*. As they write in their lengthy introduction, Brinkley and Depp "grew determined to have *House of Earth* published properly by a New York house, as Guthrie surely would have wanted." No doubt Guthrie, a lifelong left-wing/Communist agitator, would have liked to see his book described as a "direct appeal for world governments to help the hardest-hit victims of natural disasters create new and better lives

House of Earth
A Novel
by Woody Guthrie
Harper, 288 pp., \$25.99

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for themselves.” And the focus of the main characters on building an adobe house to weather the harsh climate of the Dust Bowl seems, to Brinkley and Depp, to presage our contemporary infatuation with environmentally sustainable living: “It’s almost as if Guthrie had written *House of Earth* prophetically, with global warming in mind,” they write. Almost.

But why didn’t Guthrie publish *House of Earth* after finishing it? Brinkley and Depp provide some possible answers:

Perhaps Guthrie sensed that some of the content was passé (the fertility cycle trope, for example, was frowned on by critics) or that the sexually provocative language was ahead of its time (graphic sex of the “stiff penis” variety was not yet acceptable in literature during the 1940s). The love-making between Tike and Ella May is a brave bit of emotive writing and an able exploration of the psychological dynamics of intercourse. But it’s a scene that, in the age when *Tropic of Cancer* was banned, would have been misconstrued as pornographic. Another impediment to publication may have been Guthrie’s employment of hillbilly dialect. This perhaps made it difficult for New York literary circles to embrace *House of Earth* as high art in the 1940s, though the dialect comes across as noble in our own period of linguistic archaeology. Also, left-leaning originality was hard to mass-market in the Truman era, when Soviet communism was public enemy number one. And critics at the time were bound to dismiss the novel’s enthusiasm for southwestern adobe as fetishistic.

None of these impediments persists, of course—which probably says less about Guthrie’s misunderstood genius than it does about the trajectory of American literature since the era of William Faulkner, Robert Penn Warren, and Saul Bellow.

Woody Guthrie’s canonization began in 1944 when he recorded “This Land Is Your Land,” which helped establish him as America’s preeminent folk voice, even if folk music lacked mass appeal in the swing/big band era. Nor did it help that Guthrie’s song was written in direct response to Irving Berlin’s popular “God Bless America,”

which Guthrie condemned as patriotic schmaltz. Woody Guthrie’s America was a collectivist utopia, where “this land is made for you and me.” There are even a few (rarely sung) verses attacking the concept of private property and turning the tune’s repeated phrase on its head: “Is this land made for you and me?”

A decade-and-a-half later, when young musicians in Greenwich Village began popularizing folk music as a form of social protest, Guthrie became the movement’s muse. And no one venerated the man from Okfuskee more than



Woody Guthrie, 1943

Bob Dylan, who brought Guthrie into the mainstream. One of Dylan’s earliest songs, “Song to Woody,” emulated the Guthrie style: acoustic guitar, alternately picked and strummed; out-of-tune vocals; lyrics about a “funny old world” that “seems sick and it’s hungry, it’s tired and it’s torn.” “Song to Woody” was written in 1962, and by the time Guthrie died in 1967, at 55 after a long battle with Huntington’s disease, he had long since become the elder statesman of folk-protest music.

Guthrie’s legend, and the tributes to that legend, have only grown. Three months after his death, Guthrie was celebrated with a memorial concert in Carnegie Hall. Hal Ashby’s film *Bound for Glory* (1976) features David Carradine as a highly romanticized

Guthrie. Rock musicians from Bruce Springsteen to Tom Morello of Rage Against the Machine cite him as an influence. In the late 1990s, the left-wing British folk singer Billy Bragg and the American alternative rock band Wilco teamed up to release two albums of songs featuring unpublished Guthrie lyrics set to original music. In 1998, the U.S. Postal Service put Woody Guthrie on a 32-cent stamp.

Of course, Guthrie has also inspired academic research, including the life’s work of Will Kaufman, professor of American literature and culture at the University of Central Lancashire. Kaufman has written several books on his hero and even performs Guthrie songs as part of a traveling lecture series. In 2011, with a grant from the Woody Guthrie Foundation, Kaufman published *Woody Guthrie, American Radical*, which sought to “reclaim” Guthrie from his image as a folk figure in the American tradition to the political radical he really was. Kaufman wrote that he had taken “pleasure in imagining how many right-wing hawks might have licked [Guthrie’s] backside on a U.S. postage stamp.”

It’s a funny notion, given that most Americans likely think of Woody Guthrie as an “aw-shucks” Okie who sang folk tunes in a Norman Rockwell tableau. They can, perhaps, be forgiven for not realizing that Woody Guthrie was an avowed Communist who dreamed of the end of a capitalist system that had dealt his fellow plainmen a bad hand. They can be forgiven their ignorance of his admiration for Stalin. They can even forgive Woody Guthrie lyrics such as these:

*If I was President Roosevelt
I’d make groceries free—
I’d give away new Stetson hats,
And let the whiskey be.
I’d pass out suits of clothing
At least three times a week—
And shoot the first big oil man
That killed the fishing creek.*

Less forgivable is Douglas Brinkley and Johnny Depp’s deceptive praise of Guthrie as a “fulfiller of dreams,” who deserves a “place among the immortal figures of American letters.” ♦

Tragedy in Virginia

An insurrection sets the pattern for relations with the Indians. BY NELSON D. LANKFORD

Thomas Mathew, who farmed on the Virginia side of the Potomac River, remembered the year 1675 as beginning with all manner of fearful portents: a blazing comet, an invasion of millions of carrier pigeons, and a biblical plague of locusts. But it was Mathew himself who helped bring on the calamity thus foretold. He had cheated nearby Doeg Indians, and they responded by stealing his pigs. Mathew and his friends took revenge by attacking the pig thieves. When, several weeks later, another settler was found murdered, suspicion fell on the Doegs. The Stafford County militia was called out to punish Indians they thought were Doegs. However, it turned out they were not Doegs but Susquehannocks, a friendly tribe allied with Virginia. The Susquehannocks, in turn, attacked Virginia and Maryland settlers on both sides of the Potomac. So unfolded the murky prelude to Bacon's Rebellion, a tit-for-tat conflict between colonists and their Indian neighbors that devolved into civil war among the English settlers.

In Jamestown, capital of the tobacco plantations that had been scratched out along the tidal rivers of eastern Virginia, the long-serving governor, Sir William Berkeley, favored a tempered response. He advocated for some prosecution of Indians, but for violence well short of an expensive all-out war. He feared angering colonists with the higher taxes a full-scale conflict would entail. In the meantime, more trouble was boiling to the south: Thomas Hegge and his

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Tales from a Revolution
*Bacon's Rebellion and
the Transformation of Early America*
by James D. Rice
Oxford, 280 pp., \$24.95

nephew, William Byrd, based their booming Indian trade at the falls of the James River, site of modern-day Richmond. In 1675, Byrd had a new partner, Nathaniel Bacon, freshly arrived from England. Just as conflict on the Potomac erupted, Bacon attacked friendly Appomattox Indians below the James, accusing them of stealing corn.

Berkeley sought to restrain the headstrong faction led by Bacon. It was, in part, a clash of generations, aggravated by the colony's gender imbalance: Single young men living along the frontier, armed and full of testosterone, were unlikely to be persuaded by their elders to deal with the Indians in the governor's fashion. Berkeley favored building forts at the heads of the navigable rivers to protect frontier settlements. The colonists, however, were not to assault any neighboring Indian towns without orders from the governor. But the Indian troubles of the 1670s were more than Berkeley's measured policies of the past could contain.

Bacon spread a rumor that Berkeley was in league with the Indians. He collected like-minded men to take Virginia's policy toward the native inhabitants into their own hands. Berkeley seemed to back off, and even called for a new election for the colony's legislature, the first in 14 years. When Bacon returned to Jamestown after defeating Occaneechees and Susquehannocks near the North Carolina border, he demanded a commission to prosecute the war more fully. Berkeley

and his council condemned Bacon's "rash, illegal, unwarrantable, and most rebellious" actions. Bacon had upset the whole web of relations between white Virginians and their Indian neighbors.

The governor's men captured Bacon and locked him in jail. Berkeley accepted Bacon's apology for his actions and forgave him, publicly. In a matter of days after this ritual reconciliation, however, Bacon escaped and marched on the capital at the head of a determined band. Again, he demanded a commission to deal with the Indians; the governor reluctantly agreed.

Each man then sought to have his version of events presented before the king's government in Britain. Berkeley's letter to London accused Bacon of fomenting insurrection at the hands of "young men that have not beene two Yeares in the Country." Bacon demurred; he had merely allowed himself to be drafted "as the countries friend." The conflict within the colony now became a chaotic civil war. Berkeley fled the capital; Bacon burned Jamestown to the ground.

According to James D. Rice, author of this new account of Bacon's Rebellion,

Each leader proclaimed loyalty to the king and declared the other a traitor. The losers were likely to hang when the game of musical chairs finally stopped. Small wonder that there was so much changing of sides, that so many people were anxious to avoid lining up under either of these two uncertain standards.

For a long time, the received view lauded Nathaniel Bacon as a precursor of the American revolutionaries of 1776. But this stands reality on its head. Bacon's was a rebellion *for* the king, not against him. Then, suddenly, Bacon died—probably of dysentery—on October 26, 1676. His followers buried the corpse in secret so that it could not be dug up and desecrated by enemies. Berkeley's favorite epitaph for his foe read: *Bacon is Dead I am sorry at my hart / That Lice and flux should take the hangman's part.* But the rebellion did not die with Bacon. Indeed, the fiercest fighting was yet to come. Under Bacon's successor, Joseph Ingram, clashes continued until January 1677,

when the last rebels surrendered.

William Byrd might have been hanged had he not been so nimble and kept a low profile. Others were not so fortunate. Berkeley made sure their executions sowed terror in the hearts of those who witnessed the public spectacles. Some were hanged at Jamestown, others at gibbets erected in remote county seats, more along the York River. One rebel “was suspended in chains on the gallows at West Point, left to die of thirst, starvation, and exposure, then to decay in public view, his rotting corpse and bleaching bones a monument to the fruits of treason.”

Had Berkeley won? An angry Charles II recalled him. Commissioners sent from London to investigate the situation blamed both sides. Berkeley was never able to defend his actions in person; he died on July 9, 1677, just as he got word that King Charles would receive him. Bacon was dead and Berkeley was dead, but the problems the rebellion underscored remained. The Indians, who had the most at stake, still did not know their fate.

Bacon’s heirs saw a threat from Indians intertwined with a Catholic menace, whether from Maryland, England, or what later became French Canada. Here the story becomes more convoluted, tied up with the succession to the British crown. Rumors of conspiracies abounded. A year after Berkeley died, the Popish Plot electrified Protestants in England and America. Finally, a decade later, the Glorious Revolution of Protestant forces under William of Orange overthrew the Catholic James II.

In Virginia, the governor’s council quickly recognized William and Mary. But in Maryland, the council did not, enraging those who feared a Catholic alliance with hostile Indians. These were Maryland men under the leadership of John Coode—the successors of Bacon across the Potomac. If Bacon’s men had lost the first round of their rebellion in 1676-77, their antipopyery grew and took hold in both Virginia and Maryland. They feared a grand conspiracy among the pope, the French, the Jesuits, and the Indians. Under both Bacon and Coode, the rebels claimed

to support the king against a corrupt colonial government. “Unlike Bacon,” Rice writes, “Coode got away with it.”

Rice believes that Bacon’s followers ultimately won the argument over how to deal with Native Americans. At the time of Bacon’s Rebellion, Indians controlled the frontier and the flow of trade outside the small English riverine settlements. By the early 18th century, all that had changed: “Nathaniel Bacon’s domineering, uncompromising, and indiscriminate approach to Indian affairs, rather than Berkeley’s web of trade and alliances, became Virginia’s default mode.” Eventually, this became the pattern for U.S. policy. As the balance of power shifted from Indians to colonists, more settlers moved onto land

previously occupied by native peoples. Gradually, however, Indian slavery and the indentured servitude of Englishmen gave way to African slavery.

By the eve of the American Revolution, Virginia had become the wealthiest and most influential colony. After the war, white migrants flooded across the Appalachians in great numbers and took with them their particular notions of how to establish new communities. This had the effect, Rice argues, of “making Virginian ways a large part of the DNA of American life in general. Bacon’s Rebellion was a critical element in the creation of the Old South, and thus an important passage in the story of race, slavery, freedom, and western expansion in American history.” ♦

BCA

Sensual Christianity

The Pre-Raphaelites get the show, and showcase, they deserve. BY EVE TUSHNET

The reputation of the Pre-Raphaelite Brotherhood has sometimes suffered for its ability to create beautiful surfaces. The paintings of the Pre-Raphaelite artists are replete with lush colors, velvet and gilded textures, flowing locks and tresses. (Nobody in a Pre-Raphaelite painting just has *hair*.) Seen too often in medium-quality reproductions, though, their work can appear merely pretty rather than gorgeous.

This exhibition makes a strong case that the Pre-Raphaelites offered much more than a lot of pretty faces. The paintings are organized mostly thematically, with hints toward chronological ordering as well. Each room is crammed full of gorgeous stuff. It’s impossible to stare long enough at Dante Gabriel Rossetti’s *Lady Lilith*, combing out her Milton hair over her alabaster breast. She’s as bewitching now as she was then, with the ultra-recognizable Rossetti

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Pre-Raphaelites

Victorian Art and Design, 1848-1900
National Gallery of Art
Through May 19

cupid’s-bow lips, hooded eyes, and big stubborn chin. She’s in an exhibit room called “Beauty,” whose walls have been painted a deep peacock-blue to set off the gold-framed portraits most strikingly. But many of the paintings elsewhere in the exhibit could have been put in that room as well.

The Pre-Raphaelites attempted to craft a unified sensibility at once modern and medieval. Unlike devotees of the overlapping Aesthetic and Decadent movements, who, in some ways, were the Brotherhood’s heirs, the Pre-Raphaelites were aggressively English and Protestant. Shakespeare, Keats, Chaucer, and Wycliffe all get heroic treatments here. And the exhibit highlights the artists’ religious sensibilities—

in fact, one room is dedicated to portrayals of “Salvation,” but religious themes weave throughout the show—and religious paintings show some of the best examples of the Pre-Raphaelite method.

This method was controversial at the time because it seemed to emphasize the human qualities of Jesus and the saints at the expense of transcendence. Ford Madox Brown’s huge *Jesus Washing Peter’s Feet* originally showed a Christ naked to the waist, but public outcry prompted him to paint in a loosely draped shirt. John Millais’s *Christ in the House of His Parents* drew controversy (Charles Dickens loathed it) because it seemed to portray the Holy Family as just another carpenter and his clan: ordinary people doing ordinary things.

And Rossetti’s *Ecce Ancilla Domini!*—his Annunciation—is still shocking today: Mary, a scrawny girl cornered against the wall in a thin nightgown, stares blankly at the angel, who lifts a hand to bless or maybe just to calm her. This is no royal queen of Heaven. The look on her face is the look of a teenager watching the second line darken on her pregnancy test: *What does this mean? What on earth do I do now?* She’s sallow and almost vampirized, and clearly shaken. This is the moment before she says yes.

The fear in the eyes of Rossetti’s Virgin has Scripture to back it up. The angel has to tell Mary not to be afraid—which probably means that she *was*. The painting incorporates all of the traditional symbolism of the Annunciation: the lilies, painted on a red cloth hanging by Mary’s bed; the dove, suspended in the air as if waiting for her answer; the blue of her robe, here as a cloth screen behind the bed. But Rossetti suggests through the look on Mary’s face that her “yes” came only after confusion and fearful questioning.

This sense that even the saints’ psychology was tense and conflicted appears in many of the Pre-Raphaelite paintings, and it’s one of their most compelling features. The disciples watching Jesus wash Peter’s feet make it clear that they have no idea what’s going on: Peter looks confused,

ashamed, almost angry, while the others gawk or even clutch their heads with their hands. Only Jesus himself seems assured and peaceful. Similarly, in *Christ in the House of His Parents*, the child Jesus has hurt himself, and he holds up a wounded hand for his father to treat. Mary kneels beside him, while a young John the Baptist brings his cousin a basin of water in which to



‘Ecce Ancilla Domini!’
by Dante Gabriel Rossetti (1849-50)

wash the wound. John’s expression is fearful; Jesus, again, is serene. He *looks* just like a little kid, his eyes turned trustingly toward his mother, but he’s not afraid or upset.

These paintings are filled with the kind of religious symbolism and foreshadowing that can be defended theologically. The scenes don’t make sense if you don’t know where the story ends up, if Jesus isn’t the Son of God. Despite the fears of the Victorian audience, the immanence of these portrayals never crowds out the transcendence. The psychology is subtle, but the paintings never reduce faith to mere psychology.

Other aspects of the Pre-Raphaelites’ ideas get displayed here: We get William Morris’s chapbook of “Chants for Socialists” and a room dedicated to the workshop he ran in which many of his fellow artists designed furniture and textiles in an attempt to bring a mediating ideal of craftsmanship into the industrial age. There are several paintings based on moral issues, such as the reward due to labor. There is Henry Wallis’s portrait *The Stonebreaker*, in which an exhausted man collapses against a lush hillside by a lake in the early evening hour when the sun glitters on the water. The contrast between the man’s slumping posture and the natural beauty all around him makes the out-of-Eden point sharp and clear. The boxy gray planes of his clothes suggest early-20th-century portraits of alienated labor and mass men, like the work of C. R. W. Nevinson.

The exhibit gives a strong sense of the “brotherhood” aspect of the Pre-Raphaelite Brotherhood. We get several small portraits they did of one another; the repetition of the same faces portraying different literary, religious, or mythological characters suggests a tightly knit circle of friends. But the show only hints at placing these artists in a broader historical context—although it’s not hard to see the foreshadowing of later movements. The weird, volatile mix of sensuality, socialism, and Christianity looks a lot like Oscar Wilde. The insistent humanizing of biblical figures certainly feels very modern, although the Pre-Raphaelites’ religious work takes angels and prophecies as seriously as it does human emotions and daily labor.

The Pre-Raphaelites can still make the breath catch in the throat. There’s at least one huge, overwhelming showstopper in every room of the exhibition. But the National Gallery also shows off the thoughtfulness and insight of the movement: The Brotherhood was more than a collection of contradictory impulses, a reactionary progressivism covered up with guilt and kisses. The Pre-Raphaelites can make one muse as well as swoon. ♦

TATE BRITAIN

Diamonds in the Rough

A sweet sideshow in South Vietnam.

BY JOHN PODHORETZ

The surprise of *The Sapphires* is how unpretentious and unportentous it is, considering that its plot hinges not only on racist Australian policy but also the Vietnam war. Based loosely on a true story, *The Sapphires* is about four aboriginal girls (ranging in age from 15 to mid-20s) who turn themselves into a girl group and go on tour in Vietnam in 1968 entertaining the troops.

All the elements are present for a long series of lectures about tolerance, horrifying depictions of state-sanctioned cruelty, denunciations of colonialism of both the European and American varieties, and depictions of dastardly war crimes. But there's almost none of this. Like the girls it depicts, *The Sapphires* just wants to entertain, and it uses its provocative subject matter as spice and thickener for what otherwise would be a bland stew of karaoke covers, sibling quarrels, and the wacky antics of a drunk mentor.

Gail (the formidable Deborah Mailman) is the oldest and toughest of the three McCrae sisters, all of whom live on a native reserve. They and their cousin Kay sang together when they were children, but then the light-skinned Kay was legally abducted by the government and sent to live as a white in Melbourne. The McCraes show up at a talent contest in a dusty nearby town, where they sing a Merle Haggard song to the scoffing and dismissal of their "blackness" by the provincial audience.

The contest is being run by Des (Chris O'Dowd), an Irishman stranded in Australia after being tossed off a cruise ship where he was the

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The Sapphires

Directed by Wayne Blair



entertainment director. The sisters lose the talent show, but they gain a manager who realizes they need to sound soulful. Des is a familiar type—specifically, the type originated by Walter Matthau in *The Bad News Bears* and essayed again by Tom Hanks in *A League of Their Own*. He's the drunken, lazy, hopeless cynic who saves himself by helping amateurs learn how to become pros.

But O'Dowd, a shambling hulk of a man who came out of nowhere a couple of years ago to establish himself as one of the most delightful presences on the screen today (he was Kristen Wiig's cop boyfriend in *Bridesmaids*), has none of the anger and edge of Matthau and Hanks. He's too sweet, too puppyish—but these are qualities necessary for *The Sapphires*, else Des's interest in the girls would seem rakish and creepy. Even though the story is ragingly sentimental, it's O'Dowd who makes *The Sapphires* lovable.

In Melbourne, the McCraes reunite with Kay, despite Gail's lip-curling

disapproval. Des teaches them to move and sing like a Motown act. They audition in front of U.S. military personnel, are approved, and take off for Saigon. There they meet boys, they squabble, and they travel into dangerous territory. But mostly, they sing.

There's nothing all that special about the renditions of "What a Man (What a Mighty Good Man)," "I Can't Help Myself (Sugar Pie Honey Bunch)," and "I'll Take You There" that we hear and see in *The Sapphires*, but they are put over with immense conviction by lead singer Jessica Mauboy (who plays the youngest of the sisters). The impact of these numbers is reminiscent of Alan Parker's *The Commitments* (1991), a knockout picture about a group of Irish kids who form a soul band in 1980s Dublin. *The Commitments* is a much better movie than *The Sapphires*, but like Parker, *Sapphires* director Wayne Blair really knows how to shoot a musical number—and there's just something indelible about a well-photographed musical performance in a motion picture that gets you every time.

It's the way the camera moves, the way the image cuts between the performers and the audience, the way the editing rhythm itself builds excitement. "Strange how potent cheap music is," a Noël Coward character says in *Private Lives*, referring obliquely to the erotic effect of a popular song. The potency of cheap music in a movie comes across in a way that makes you feel like you're dancing when you're sitting immobile.

The Sapphires was cowritten by the son of a real-life performer who actually toured Vietnam as a backup singer for a New Zealand Maori band performing native music. That sounds rather more multicultural and ethnographically advanced than one might have expected for 1968—and also far more boring for the soldiers. But it helps explain the air of falsity that hangs over the proceedings and that even its high-energy numbers can't quite dissipate. *The Sapphires* is cinematic cotton candy. It's nothing but sweet, and has no substance. Don't expect much and you'll be happy you saw it—and you won't remember you did a week later. ♦

